



WEB COPY



W.A.(MD) No.23 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.(MD)No.23 of 2024

D.Dharmaraj

... Appellant

-Vs-

1.The District Collector,
Kanyakumari District,
at Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

... Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent Act to set aside the order passed in W.P.(MD)No.5495 of 2023 dated 05.06.2023.

For Appellant : Mr.SC.Herold Singh

For Respondents : Mr.T.Amjadkhan

Government Advocate



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JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This writ appeal has been filed challenging the order passed by the learned Single Judge in W.P.(MD)No.5495 of 2023 dismissing the writ petition holding that the subject land is classified as Vaikal Poromboke in the revenue records.

2.According to the appellant, he is in possession and enjoyment of the subject property for more than 100 years. He has also constructed a house and obtained electricity service connection. Since the representation of the petitioner seeking patta in his name was not considered, he filed a writ petition. The writ petition was disposed of by an order dated 05.06.2023 holding that the property in question is classified as public pathway and hence, the relief sought for by the petitioner cannot be granted. Challenging the same, the present appeal has been filed.

3.Considering the facts and circumstances of the case, we are of the view that the prayer of the appellant / writ petitioner is not maintainable for the simple reason that the property in question is classified as Vaikkal Poromboke in



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the revenue records and hence, patta cannot be granted. Hence, such prayer of the appellant / writ petitioner cannot be considered, therefore, the same was rightly rejected by the Writ Court.

4.At this juncture, the learned counsel for the appellant submits that the appellant shall be permitted to file an application before the authorities concerned seeking reclassification of the property in question.

5.In view of the above, this writ appeal fails and same is dismissed. It is for the appellant to workout his remedy before the authorities concerned in the manner known to law. No costs.

[D.K.K., J.] & [R.V., J.]
10.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

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Kanyakumari District,
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