



Writ Petition No.9536 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.9536 of 2025

and

W.M.P.No.10691 of 2025

1. C.Ganesan
S/o.Late.Chinnamuthu, Kombikadu,
Vellakalpatti Village, Omalur Taluk,
Salem District. and another

2.C.Prabhath
S/o.Late.Chinnamuthu,
Kombaikadu, Vellakalpatti Village,
Omalur Taluk, Salem District.

Petitioners

Vs

1. The District Collector
Salem District, Salem.

2.The District Revenue Officer
Salem District, Salem.

3.The Revenue Divisional Officer
RDO Office, Mettur Salem District.

4.The Tahsidlar
Omalur Taluk Office, Salem
District.

Respondent(s)

Writ Petition filed under Article 226 of the Constitution of



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India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the 4th respondent in Na.Ka. 4148/2024/A1 dated 13.11.2024, quash the same and direct the respondents to issue computerized patta to the petitioners in respect of the lands in S.Nos. 115/5, 115/6 and 115/7 of Vellakalpatti Omalur Taluk, Salem District based on the report of 4th respondent in Na.Ka. 2257/2015(D) dated .11.2015.

For Petitioners : Mr.V.Elangovan

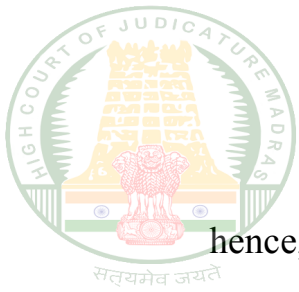
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the fourth respondent dated 13.11.2024 and for a consequential direction to the respondents to issue patta in favour of the petitioners with respect to the subject property based on the report submitted by the fourth respondent.

2. Heard Mr.V.Elangovan, learned counsel for petitioners and Mr.A.Selvendran, learned Special Government Pleader, appearing for respondents.

3. The case of the petitioners is that the subject property was wrongly classified as Government Punjai instead of Ryotwari patta and



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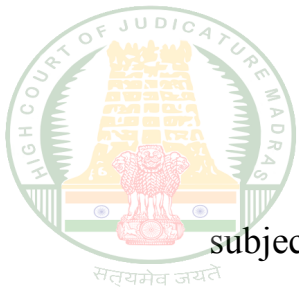
hence, representation was made in this regard to re-classify the same.

Based on the representation made by the petitioners, a report was also submitted by the fourth respondent during November 2015. Thereafter, it was not acted upon. In view of the same, the petitioners approached this Court by filing W.P.No.22255 of 2024 and this writ petition was disposed of by an order dated 02.08.2024 in the following terms:

"5. Considering the limited relief sought for in this writ petition, the respondents are directed to pass appropriate orders on merits and in accordance with law on the report of the 4th Respondent in Na.Ka.2257/2015(D) dated .11.2015, after giving notice to any other interested persons. Such exercise shall be completed within a period of two months from the date of receipt of copy of this order."

4. Pursuant to the above order, since the directions issued by this Court has not been complied with, the petitioners filed Contempt Petition No.3291 of 2024 and statutory notice was issued. As a knee jerk reaction, the fourth respondent, who submitted the report has now passed the impugned order dated 13.11.2024 stating that the property is classified as Government poramboke till date and therefore, the request made by the petitioners cannot be considered. It is under these circumstances, the present writ petition came to be filed before this Court.

5. The petitioners are seeking for patta with respect to the



subject property. If patta has to be granted in favour of the petitioners, the property has to be first re-classified as a Ryotwari and only thereafter, patta can be granted in favour of the petitioners. An enquiry was conducted and a report has already been submitted by the fourth respondent in this regard. In the earlier writ petition, directions were issued to the respondents to consider the representation and to take a decision. Unfortunately, instead of the District Collector taking a decision, the fourth respondent has once again taken a decision by issuing the impugned proceedings dated 13.11.2024.

6. In the considered view of this Court, the report ought to have been placed before the first respondent since the first respondent alone has the power and jurisdiction to re-classify the land. Only after appropriate orders are passed by the first respondent, the patta can be transferred in the name of the petitioners. Therefore, the fourth respondent ought not to have decided this issue and he ought to have placed the report before the first respondent to enable the first respondent to take a decision. In view of the same, the impugned proceedings of the fourth respondent dated 13.11.2024 is hereby quashed. There shall be a direction to the fourth respondent to place the entire files before the first



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respondent along with his report. The first respondent, on receipt of the same, shall call for an enquiry and afford opportunity to the petitioners and pass appropriate orders on its own merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order. Based on the order passed by the first respondent with respect to the re-classification of lands, the request made by the petitioners for issuance of patta shall be considered by the fourth respondent.

In the result, this writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

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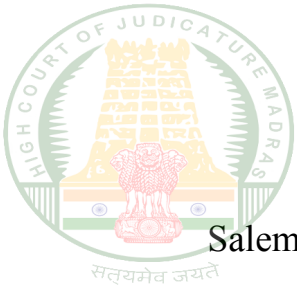
Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

N.ANAND VENKATESH, J
gm

To

1. The District Collector
Salem District, Salem.

2.The District Revenue Officer



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