



Writ Petition No.11787 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.11787 of 2020

and

W.M.P.No.14500 of 2020

N.Chandrasekaran
S/o. Late Shri.Namachivayam

Petitioner

Vs

The District Collector,
Cuddalore District.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records in Na.Ka.V.1/8908/2019 dated 09.12.2019 and quash the same and consequently direct the respondent to issue patta in respect of the land in Survey Nos.71/2A - 0.46.30 Hrs and Survey No.71/2D - 0.22.0 Hrs, Survey No.72/3 - 0.52.0 hrs in total 1.20.30 Hectares (about 3 acres) Palayamkottai Melpathi, Kattumannarkoil Taluk now Srimushnam Taluk, Cuddalore District.

For Petitioner : Mr.B.Manoharan

For Respondent : Mr.P.Sathish,
Additional Government Pleader

ORDER



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This writ petition has been filed challenging the impugned proceedings of the respondent dated 09.12.2019 and for a consequential direction to the respondent to issue patta in the name of the petitioner with respect to the subject property.

2. The case of the petitioner is that the subject property originally belonged to the father of the petitioner. He obtained Government loan and failed to repay the loan amount. In view of the same, the land was classified as "Government Bought in Lands" (Nela Ela Tharisu). The petitioner wanted to settle the entire loan and wanted the property to be re-classified as a patta land. Hence, he filed W.P.No.32357 of 2016 before this Court. This writ petition was disposed of by an order dated 16.09.2016 and this Court directed the Sub Collector, Chidambaram Taluk, to consider the representation made by the petitioner and to pass orders on merits within a period of eight weeks.

3. Pursuant to the above order, the petitioner was requesting the concerned authorities to re-classify and to issue patta in the name of the petitioner since the entire loan amount was settled by the petitioner. No orders were passed after the directions were issued by this Court and



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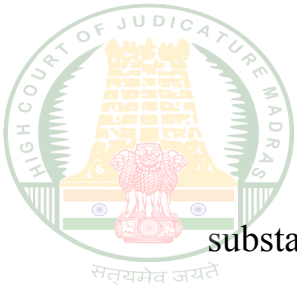
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hence, the petitioner filed contempt petition in Cont.P.No.1173 of 2018 before this Court. When this contempt petition was pending, the proceedings of the Revenue Divisional Officer, Chidambaram, dated 04.06.2018 was produced before the Court and recording the same, the contempt petition was closed on 22.06.2018.

4. In the mean time, the Tahsildar, through proceedings dated 05.09.2017, forwarded his recommendation to the District Collector stating that the entire loan amount has been repaid and that the land can be re-classified and restored to its original position.

5. The District Collector, through the impugned proceedings dated 09.12.2019, refused to act upon the recommendation made on the ground that the petitioner did not prove the title over the property. Aggrieved by the same, the present writ petition has been filed before this Court.

6. The respondent has filed a counter affidavit. The respondent has taken a stand that the petitioner is claiming right over the property as if it was enjoyed by the ancestors and no document was produced to



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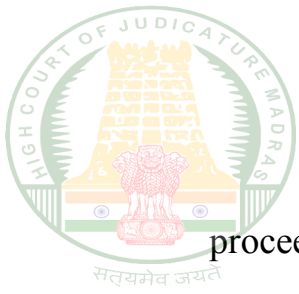
substantiate the same. Therefore, the respondent has reiterated the same

reason that has been stated in the impugned proceedings.

7. Heard Mr.B.Manoharan, learned counsel for petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for respondent.

8. In the considered view of this Court, there was no need for the respondent to go into the title of the property for the simple reason that the property, which originally was owned by the father of the petitioner was re-classified as "Government Bought in Lands" (Nela Ela Tharisu) only on the ground that the loan obtained by the father of the petitioner was not repaid. Hence, if the property did not belong to the father of the petitioner, there was no occasion to create a charge over that property and re-classify the same. Apart from that, during the course of proceedings, the petitioner also produced the title document pertaining to the property.

9. In the light of the above discussion, the impugned



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proceedings of the respondent dated 09.12.2019 suffers from illegality and the same is hereby quashed. There shall be a direction to the respondent to issue necessary proceedings by re-classifying the subject property and restore it to the original position. Necessary proceedings shall be issued in this regard within a period of six (6) weeks from the date of receipt of a copy of this order. Once the same is done, the concerned Tahsildar shall act upon the same and issue patta in the name of the petitioner.

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

09.04.2025

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

To

The District collector,
Cuddalore District.

N.ANAND VENKATESH, J

gm



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