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W.P.No.24765 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24765 of 2017
and
WMP.No.26143 of 2017

P.Govindan

... Petitioner

Vs.

1.The District Collector,
Salem, Salem District.

2.The Tahsildar,
Kadayampatti Taluk,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records to the order passed by the second respondent in Na.Ka.No.1766/2013/A3 dated 02.11.2016, quash the same and consequently, direct the respondents to grant patta pass book in favour of the petitioner in respect of land in S.No.443 to an extent of 2.04 hectares situated at Tenishpettai Village, Omalur Taluk.

For Petitioner : Mr.M.Elango
For Respondents : Mr.M.Rajendiran, AGP



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ORDER

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Challenging the order passed by the second respondent in Na.Ka.No.1766/2013/A3 dated 02.11.2016, the present Writ Petition has been filed by the petitioner. Further, the petitioner has sought for a direction to the respondents to grant patta pass book in his favour in respect of land in S.No.443 measuring to an extent of 2.04 hectares situated at Tenishpettai Village, Omalur Taluk.

2. Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing on behalf of the respondents.

3. The brief facts of the case is as follows:

3.1. The petitioner is the absolute owner of the land in Survey No.443 measuring to an extent of 2.04 hectares situated at Tenishpettai Village and is in possession and enjoyment for more than 50 years and doing agricultural activities in the said land. On 31.10.2013, the second respondent along with the Village Administrative Officer came to his land and insisted him to vacate the land without following due process of law and aggrieved by the same, he made an application on 10.10.2013 to the second respondent seeking issuance of patta to the subject land, however, there was no response



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to his application and hence, the petitioner has filed a Writ Petition in W.P.No.10305 of 2014 before this Court, in which, a direction was issued to the second respondent to consider the petitioner's application and pass orders on merits, within a period of eight weeks from the said order. Pursuant to the order of this Court, the second respondent vide order dated 02.11.2016 had rejected the petitioner's application on the ground that the subject land is adjacent to the forest area and patta cannot be issued and no patta has been issued now under the Patta Passbook Act.

4. Aggrieved by the same, the present Writ Petition has been filed by the petitioner.

5. The learned counsel for the petitioner submitted that the petitioner is in possession and enjoyment of the subject land for more than 50 years and doing agricultural activities. He contended that the second respondent had mechanically rejected his application without adhering to the provisions of the Patta Passbook Act. Hence, he prayed to grant the relief as stated above and allow the petition.

6. Per contra, the learned Additional Government Pleader appearing



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for the respondents submitted that as per 15 of the Revenue Standing Orders [RSO], power is vested with the Government for granting assignment of government lands to the individuals. He contended that RSO 15 provides power to the Government to assign patta only for unobjectionable government lands and the subject land is adjacent to the reserved forest area, and patta cannot be granted. Therefore, he prayed this Court that the impugned order of the second respondent dated 02.11.2016 warrants no interference.

7. I have considered the rival submissions made by the respective learned counsels and also perused the materials available on record.

8. Admittedly, the petitioner claims that he owned land in Survey No.476-3B measuring to an extent of 2 acres bearing Patta No.1019. He seeks patta for the subject land which is adjacent to the reserved forest of Belopalli Kombai and classified as 'Kallankuthu Government Poramboke land' and further more, the land is enriched by minerals. Moreover, it is pertinent to note that no patta has been issued under the Patta Passbook Act now as contended by the learned counsel for the petitioner and as per 15 of Revenue Standing Order, the power is vested with the Government for



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assignment of land, however for unobjectionable lands. It is pinpointed by the learned Additional Government Pleader that the subject land is a reserved forest area and hence, no patta can be issued. In view of the same, the Writ Petition is liable to be dismissed and accordingly, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. There shall be no orders as to costs.

30.10.2025

Index: Yes/No

NCC : Yes/No

Order : Speaking/Non Speaking

DP



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M.DHANDAPANI.J.

DP

To

- 1.The District Collector,
Salem, Salem District.
- 2.The Tahsildar,
Kadayampatti Taluk,
Salem District.

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