



W.P.No. 2215 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2215 of 2025
and WMP.No.2564 of 2025

Chennammal

.... Petitioner

Vs

- 1.The District Collector
Dharmapuri District.
- 2.The District Revenue Officer
Dharmapuri District.
- 3.The Tahsildar
Palacode Taluk
Dharmapuri District.
- 4.The Village Administrative Officer
Semmanahalli Village
Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the entire



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records relating to the impugned order passed by the second respondent through his proceedings in Na.Ka.No.9233/2022/Tha 2, dated 10.02.2023 and quash the same as illegal and consequently direct the second respondent to conduct a denovo enquiry by perusing the entire revenue records and affording an opportunity of personal hearing to the petitioner.

For Petitioner : Mr.Krishnasamy Chinnasamy
For Respondents : Mr. A.Selvendran
Special Government Pleader [R1 to R4]

ORDER

The writ petition is filed for a Certiorarified Mandamus to quash the order of the second respondent dated 10.02.2023 and to conduct a denovo enquiry.

2. It is the case of the petitioner that in the year 1970, the Government had announced a scheme whereunder the persons who were in possession of Assessed Waste Dry (AWD) lands, which they had converted into cultivable lands, were assigned with patta for the said lands. Accordingly, a portion of the land measuring an extent of 14.56 acres, from and out of the total extent of



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16.16 acres in Survey No.140/3 situated in Semmanahalli Village, Palacode Taluk, Dharmapuri District had been assigned to the beneficiaries of the said land namely Perumiammal, Ponniammal, Latchumiammal and Chinnasaaki. In the said extent, Survey No.140/4 measuring an extent of 3.80 acres and Survey No.140/7 measuring an extent of 3.31 acres were assigned to Perumiyammal and Chinnasakki, who respectively are the wives of one Venkatta Gounder, the father-in-law of the petitioner herein.

3. According to the petitioner, her husband Murugan was born to Perummiyammal and Venkatta Gounder. Chinnasakki did not have any issues and she died issueless. The said Venkatta Gounder and Perummiyammal also have two other children besides Murugan. Perummiyammal, Chinnasakki and Murugan died in the year 2013, 1993 and 2008 respectively. . After the demise of the patta holders, their legal heirs, the petitioner herein along with her children are in continuous possession and enjoyment of the said property, since the two sisters of Murugan also did not claim a share in the ownership of subject property The petitioner have been repeatedly requesting the revenue authorities to change the classification of lands from AWD patta lands to assignment patta. However, the respondents re-classified the same as



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Government poromboke lands.

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4. On 23.11.2020, the petitioner had given a representation to mutate the revenue records and issue patta and chitta in her name. Since no action was taken for more than two years, the petitioner was constrained to file W.P.No.6653 of 2022, seeking a mandamus to dispose of her representation. This Court vide order dated 23.03.2022, had directed the respondents to dispose of the petitioner's representation within a period of twelve weeks.

5. Pursuant to the order of this Court, the Government authorities had conducted an enquiry in this regard, following which, on 10.02.2023, the impugned order was passed by the second respondent *inter alia* rejecting the request of the petitioner only on the ground that the files relating to the property in Survey No.140/7 was not available in the Office of the respondent. Aggrieved by the same, the petitioner is before this Court in the present writ petition.

6. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 4.



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7. The petitioner had produced the documents, TSLR Register for FASLI years 1380, 1394 and 1395, which shows the survey number of property, the persons in occupation and the crops that have cultivated by them there. The property therein have been described as Anadeenam lands and the last column states that the property is being cultivated by Perumiammal, Ponniammal, Latchumiammal and Chinnasaaki, of whom Perumiammal and Chinnasaaki are the mothers-in-law of the petitioner. These documents are the revenue records. The kist receipt book has also been produced by the petitioner. The respondents have simply rejected the case of the petitioner on the ground that the files relating to said survey number is missing. This is not the stand that can be taken by a statutory authority who is bound to preserve the records, particularly those dealing with title/possession. Therefore, the impugned order is liable to be set aside.

8. To conclude, the petition is allowed. The impugned order of the second respondent dated 10.02.2023 is set aside and the matter is remanded back to the second respondent for fresh consideration. The said exercise shall

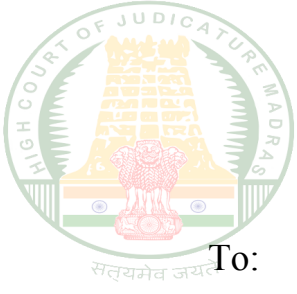


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be completed within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
ds



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P.T.ASHA, J.,

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