



W.P.(MD)No.956 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.956 of 2025

R.Venkatesh

... Petitioner

/Vs./

1. The Tahsildar

Kalaiyarkovil Taluk,
Sivagangai.

2. The Revenue Inspector

Nattarasankottai,
Sivagangai.

3. The Village Administrative Officer,

Kollangudi Group,
Nattarasankottai Firka,
Sivagangai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in Moo.Mu.A2/2135/2024 dated 19.12.2024 and quash the same and consequently direct the 1st respondent to grant Patta in favour of the petitioner with respect to the



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house bearing D.No. 8/526/2 situated in S.No. 422/3 measuring to an extent of 0.01.20 ares equivalent to 3 cents at Kollangudi group Kalaiyarkovil taluk Sivagangai District.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioner has filed the present Writ Petition challenging the rejection of his request for rejection of patta under landless poor category.

2. The learned Government Advocate, Mr.S.Kameswaran, appearing for the respondents would submit that both the father and mother of the petitioner already owned lands and therefore, the petitioner is not eligible for any allotment and issuance of patta under the Landless Poor Scheme.

3. The specific contention of the learned counsel for the petitioner is that he was married out of Caste and the petitioner and his wife are staying separately, away from the parents and therefore, the normal rule



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that the parents owning properties should not stand in the way of issuance of patta in the name of the petitioner. He would further submit the respondents 2 and 3 have already recommended the petitioner's wife's case for issuance of patta. However, the first respondent has rejected the application citing the holding of property by the parents of the petitioner.

4. In view of the prevailing Rules and Regulations, I do not see any infirmity in the order of rejection passed by the first respondent. However, at the same time, the fact that the petitioner's wife has made an application and the same has also been positively recommended by the respondents 2 and 3, I deem it fit to remit the matter to the first respondent to decide the eligibility of the petitioner's wife, taking into consideration the inter-caste marriage between the petitioner and his wife and also in view of the claim that the petitioner and his wife are living away from the parents of the petitioner, who alone own properties and hence, the petitioner's wife cannot be said to be ineligible even under the prevailing Rules and Regulations. The first respondent shall consider the case of the petitioner and his wife on sympathetic grounds as well as a special case.



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5. In view of the peculiar facts and circumstances of the case, if there is any window open to issue patta as prayed for by the petitioner / petitioner's wife, the same may be considered.

6. It is also made clear that this order should not come in the way of the official respondents, taking action against any encroachments made by the petitioner's father.

7. With the above directions, the Writ Petition is disposed of.

No costs.

Index : Yes / No
NCC : Yes / No
LS

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P.B. BALAJI, J.

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Order made in
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