



W.P.(MD)No.8375 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.8375 of 2025

V.Udaya Suriyan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

3.The Block Development Officer,
Kariyapatti,
Kariyapatti Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue natham patta and make suitable entries in petitioner's name for the land in S.No.151/1 situated at Nandhikundu village, Kariyapatti Taluk, Virudhunagar District.

For Petitioner : Mr.S.Srinivasan

For R1 & R2 : Mrs.S.Jeyapriya
Government Advocate



W.P.(MD)No.8375 of 2025

For R3

: Mr.N.Ramesh Arumugam

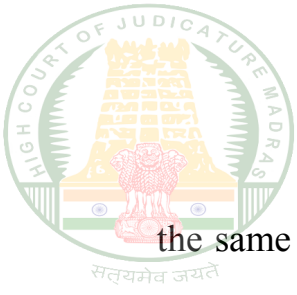
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ORDER

The petitioner seeks for issuance of natham patta.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. The petitioner seeks issuance of natham patta based on an application made as early as on 27.11.2019 subsequent to succeeding in two rounds of litigation, where the state authorities, including the District Collector were party defendants. It is seen from the typed set of papers that in the first round of litigation, the State came up to this Court by way of second appeal where the state authorities were the appellants. This Court remanded the matter with directions to identify the suit property with reference to revenue records and find out the correct survey number where the suit property is situated. Subsequent to the remand also, the trial Court after appointment of Advocate Commissioner, decreed the suit in favour of the writ petitioner. Appeal was preferred by the 3rd defendant, namely the Panchayat in A.S.No.5 of 2016 and



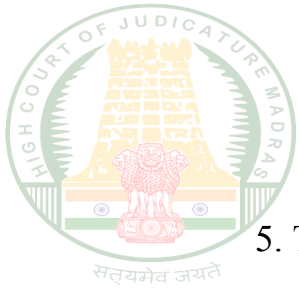
W.P.(MD)No.8375 of 2025

the same was also dismissed by the Sub Court, Aruppukottai on 26.07.2019. It

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is significant to note that neither the District Collector, Virudhunagar nor the Tashildar, Kariapatti who were the 1st and 3rd defendants respectively in the suit in O.S.No.71 of 1999 chose to prefer any appeal aggrieved by the judgment and decree, dated 07.11.2008. Therefore, the authorities are bound by the said judgment in A.S.No.5 of 2016, dated 26.07.2019. Admittedly, the appellants in A.S.No.5 of 2016 did not take up the matter by way of second appeal before this Court.

4. Today, the learned Government advocate would submit that a second appeal has been preferred along with condonation of delay and second appeal is pending in SR stage in S.A(MD)SR.No.27237 of 2025. The said appeal has only been filed yesterday after getting advance notice in this writ petition. Further, the appeal is only at the instance of the appellants in A.S.No.5 of 2016 who alone challenged the judgement and decree in O.S.No.71 of 1999. Therefore, I see no impediment for the authorities to grant patta to the petitioner based on the judgment and decree of the Courts below, which in fact came up to this Court in the first round of litigation.

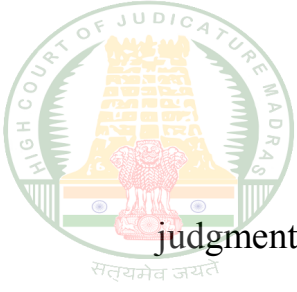


W.P.(MD)No.8375 of 2025

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5. The learned Government Advocate would further rely on circular dated 27.08.2024 in R1/7699421/2024 and contend that the Commissioner of Land Administration would have to approve the issuance of natham patta to the petitioner as his case falls under category-III. I'm unable to accept the said submission of the learned Government Advocate. The decree in the suit clearly reflects the property having been assigned door number and it is also the specific case of the petitioner that subsequently the house was demolished and hut has been constructed. Therefore, the authorities cannot press into category-III or even category-II. The petitioner would be entitled for patta under category-I, for which no approval or consent is required from the Commissioner of Land Administration. The petitioner's application is also only in respect of 528 square feet, which is far below the entitlement of 35 cents under the Natham Settlement Scheme. However, in terms of circular, it is seen that Revenue Divisional Officer would be the competent authority to grant patta to the petitioner.

6. In view of the above, this writ petition is allowed, directing the petitioner to make a representation to the Revenue Divisional Officer, Aruppukottai enclosing the earlier application made on 27.11.2019 and also the



W.P.(MD)No.8375 of 2025

judgment and decree of the Courts below as well as this order. On such request

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being made by the petitioner, the Revenue Divisional Officer shall issue patta to the petitioner limited to the schedule said out in the decree in O.S.No.71 of 1999. The petitioner shall make an application within a period of two (2) weeks from the date of receipt of copy of this order. The Revenue Divisional Officer shall pass orders within a period of four (4) weeks thereafter. It is made clear that this shall be subject to any favourable decision that the 3rd respondent Panchayat may obtain in second appeal which has been filed along with the condonation of delay application.

7. With the above direction, this Writ Petition stands allowed. No costs.

26.03.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

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W.P.(MD)No.8375 of 2025

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W.P.(MD)No.8375 of 2025

P.B.BALAJI, J.

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W.P.(MD)No.8375 of 2025

26.03.2025