



W.P.(MD)No.2976 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.2976 of 2025

and

W.M.P(MD)No.2071 of 2025

A.Mohamed Samsudeen

.... Petitioner

/Vs./

- 1.The District Collector,
O/o.The District Collector Office,
Kokkirakulam, Palayamkottai,
Tirunelveli District.
- 2.The District Revenue Officer,
O/o.The District Revenue Office,
Tirunelveli District.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Tirunelveli District.
- 4.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to rectify the error crept in the classification



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of the land to an extent of 71 cents comprised in S.No.793/2 (T.S.No. 56/2) situated at Suthamalli Village, Tirunelveli Taluk, Tirunelveli District and to restore the same as patta land and consequentially to issue patta in the name of the petitioner by considering his representation dated 20.02.2023.

For Petitioner : Mr.P.Mohamed Suhail
for M/s.Ajmal Associates
For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

This writ petition has been filed for issuance of writ of mandamus to rectify the error that has crept in the classification of the land to an extent of 71 cents comprised in S.No.793/2 (T.S.No.56/2) situated at Suthamalli Village, Tirunelveli Taluk, Tirunelveli District and to restore the patta land and to issue patta in the name of the petitioner based on his representation, dated 20.02.2023.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. I have heard the learned counsel appearing on either side and perused the materials placed before this Court.



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4. The case of the writ petitioner is that, the larger extent of the lands measuring 1 acre 41 cents originally comprised in S.No.793 were belonging to one Mohamed Ibrahim Rowthar and since the said holding violated the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978, the Government has acquired to an extent of 2 acres 12 cents originally held, out of which, 1 acre 41 cents were acquired and the same sub-divided was S.No.793/1 and the remaining extent of 71 cents sub-divided was S.No.793/2 and it is in respect of this extent that the petitioner seeks rectification in the classification of the revenue records.

5. The learned counsel also invited my attention to the letter of the Slum Clearance Board wherein, the Slum Clearance Board has stated that as per Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 proceedings, the acquisition of land pertains only to Survey No. 793/1.

6. The learned Government Advocate appearing for the respondents, on instructions, would submit that the representation given



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by the petitioner is only to the District Collector and the representation ought to have been given to the second respondent. He would further submit that if proper application is made to the second respondent, the same would be heard after giving an opportunity of hearing to the Slum Clearance Board and decided on merits and in accordance with law.

7. Admittedly, the Government has acquired 1 acre 41 cents and the said lands have been assigned S.No.793/1 and the remaining lands to an extent of 71 cents are in the possession of the petitioner, the said land in respect of which the recent computer extract of Town survey land register reflects, the subject lands are as Sarkar Punjai. According to the petitioner, the said classification is erroneous and only in order to correct the same, the representation was given by the petitioner.

8. Though the Slum Clearance Board sent a reply on 14.08.2022 which appears to be a reply to the petitioner's letter dated 17.07.2002, in the said communication, it is seen that the board has stated that Survey No.793/1 alone was set apart for the board. However, I do not find any reference to Survey No.793/2 in the said



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communication. Therefore, it is just and proper, the Slum Clearance Board also be put on notice about the rectification which is now sought for by the petitioner.

9. In the light of the above, the petitioner shall make a fresh representation to the second respondent within a period of four weeks from the date of receipt of a copy of this order enclosing all the relevant documents and thereafter, the second respondent shall, after hearing the petitioner and the Slum Clearance Board authorities, pass orders on the request of the petitioner for rectification of the classification of lands in S.No.793/2 (T.S.No.56/2) on merits and in accordance with law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

Index : Yes / No
NCC : Yes / No
am

03.02.2025



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TO:-

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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.2976 of 2025

Dated:
03.02.2025