



W.A.(MD)No.612 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.612 of 2022

and

C.M.P(MD)No.5173 of 2022

1.The Principal Commissioner and
Commissioner of Land Reforms-cum-
Urban Land Ceiling,
Chepauk,
Chennai – 600 005.

2.The Competent Authority /
Assistant Commissioner, Land Reforms
Urban Lands (Ceiling & Regulation) Act,
Tirunelveli -2,
Now Office at
Plot No.4, Door No.15,
KK Nagar East 1st Street,
Madurai – 625 020.

3.The Tahsildar,
Palayamkottai Taluk,
Kokkirakulam,
Tirunelveli.

... Appellants /
Respondents

Vs.

A.H.Kaleelur Rahman

... Respondent /
Petitioner



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order passed in W.P(MD)No.5691 of 2019 dated 23.01.2020 by allowing the Writ Appeal.

For Appellants : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.G.V.Vairam Santhosh

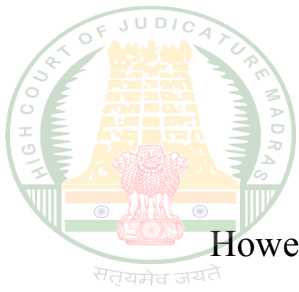
For Respondent : Mr.K.Navaneetha Raja

JUDGMENT

Heard both sides.

2.The writ petitioner filed W.P(MD)No.5691 of 2019 for directing the authorities to consider his representation dated 10.01.2019 for modification of the entry in the revenue record. The writ petitioner purchased the petition mentioned property on 13.11.2017. The revenue entry reflected that it was an urban surplus land. Seeking deletion of the said entry and for issuance of patta, he filed representation. Since it was not considered, the Writ Petition came to be filed.

3.A learned Judge vide order dated 23.01.2020 directed the authorities to consider the petitioner's application for issuance of patta.



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However, there was a sting in the tail. The authorities were virtually directed to consider the writ petitioner's claim. Aggrieved by the said order, this Writ Appeal came to be filed.

4.We are satisfied with the submissions of the learned Additional Advocate General that this is a matter which has to be gone into only by the authorities at the first instance. When the prayer is only for the issuance of Writ of Mandamus, it may not be open to the writ Court to give any positive direction as regards the rights of the parties.

5.It is seen that the learned single Judge was constrained to issue such direction because the authorities did not produce the relevant records. But in the grounds of appeal, several other factual aspects have been brought forth. The appellant would claim that possession was taken and handed over to the revenue authority on 21.09.1989. Whether possession was taken as per law is a factual aspect to be gone into. This in the very nature of things would necessitate holding of an enquiry. Leaving open the contentions of the writ petitioner as well as that of the appellant, the order impugned in this Writ Appeal is set aside. This writ appeal is disposed of with a plain direction to the second appellant herein



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to dispose of the writ petitioner's representation. The second appellant

will issue notice to the writ petitioner. The writ petitioner will be permitted to peruse the entire record. The writ petitioner can be represented by his counsel also. The writ petitioner shall submit his written arguments and a speaking order shall be passed by the second appellant. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

6.This Writ Appeal is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [M.J.R., J.]
25.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

AND

M.JOTHIRAMAN, J.

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