



W.P.(MD)No.2759 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.2759 of 2022
and
W.M.P(MD)Nos.2439 & 2440 of 2022

Thanjammal

.... Petitioner

/Vs./

The Tahsildar,
Oddanchathiram Taluk,
Dindigul District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the respondent made in Na.Ka.No. 2323/2019/E1 dated 04.12.2020 and his subsequent impugned memo made in Na.Ka.No.03/2021/A3 dated 26.11.2021 and quash the same as illegal consequently to direct the respondent to issue patta in for the petitioner for S.No.1382/22 situated at Puliyoornatham Village for an extent of 400 Sq.Ft.

For Petitioner : Mr.D.Venkatesh
For Respondent : Mr.B.Saravanan
Additional Government Pleader



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ORDER

The petitioner challenges the order of the respondent in Na.Ka.No. 03/2021/A3, dated 26.11.2021 rejecting the petitioner's application for issuance of patta.

2. The petitioner, based on a registered sale deed dated 01.04.1985, had purchased 493 sq.ft and 400 sq.ft comprised in Old Survey No.375. In the portion of an extent of 493 sq.ft, the petitioner has put up a superstructure in the form of a Hut and has been residing there and the adjoining 400 sq.ft has been kept vacant. Subsequently, the old survey number has been assigned as New survey numbers 1382/14 & 1382/22. In respect of the house property comprised in S.No.1382/14, the petitioner has been issued patta. However, in respect of Survey No. 1382/22, it remains vacant land of an extent of about 400 sq.ft. The petitioner originally made an application before the respondent and in and by the proceedings in Na.Ka.No.2323/2019/E1, dated 16.04.2019 (Signed on 16.07.2019) the respondent has ascertained the factual position from the Village Administrative Officer and has also examined the documents produced by the petitioner and found that the petitioner is



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entitled to Patta based on the documents produced by the petitioner as well as the petitioner being in physical possession of the subject property. Thereafter, the petitioner has made a representation to the District Revenue Officer on 20.07.2020 seeking for Patta to be issued. Despite the recommendations of the respondent, in and by the order dated 04.12.2020, the respondent has relied on a circular in K3/14710/2015, dated 07.08.2015 in respect of the Government Poramboku lands and Natham Patta being issued under the Natham Settlement Scheme, held that the petitioner has not produced documents from the year 1966 as required under the Circular and rejected the request of the petitioner for Patta. The petitioner once again approached the respondent and reiterated her request for patta on the ground that the property is only a Natham Poramboku Land and the petitioner is entitled to patta under the Natham Settlement Scheme. At that juncture, the respondent has proceeded to pass a third order on 26.11.2021 stating that the petitioner is not entitled to free house site patta and therefore, the application is rejected.

3. The case of the petitioner admittedly was not seeking assignment of patta under the free house site scheme for landless poor, in



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respect of which alone, there is a cap of 3 cents, which can be allotted to persons who have no property and fall within the category of landless poor. However, in the instant case, it is not the case of the petitioner that the petitioner approached the authorities seeking a free house site patta. The definite case of the petitioner was based on a registered sale deed and long physical possession, continuous and uninterrupted. Only based on the said application, the respondent himself vide the first order chose to examine the said application and also called for findings of the Village Administrative Officer and found the petitioner to be eligible for patta. However, subsequently, within a span of 1 1/2 years, the respondent goes back on his own order and refers to circular and holds that the petitioner is disentitled to patta because he has not been able to produce the documents from the year 1966 as required under category-III. Thereafter, for the third time, the request of the petitioner was rejected citing an entirely different reason that the petitioner holds properties in her name and her son also holds properties in his name and therefore, the petitioner is not entitled to free house site patta. Unfortunately, the respondent has failed to even understand the request of the petitioner in a proper manner. The petitioner never sought for free



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house site patta to be issued to her. Throughout, the case of the petitioner is only based on the registered sale in her favour and factum of physical possession, which entitles the petitioner to Patta under the Natham Settlement Scheme. Having found that the petitioner is entitled to a patta and also having issued patta in respect of 493 sq.ft, in which, hut has been constructed and in fact, the said item of property forming part of the very same sale deed dated 01.04.1985, it is not know how the respondent can turn around and deny patta in respect of the other item of the property which is also covered under the very same registered document. Once the respondent has accepted the registered settlement deed in favour of the petitioner in respect of one item of property and granted patta, it is not open to the respondent to blow hot and cold and thereafter, contend that in respect of the second item, the petitioner's vendor did not have right.

4. As regards reference to three categories mentioned in the circular, even in the counter affidavit, it is clear that the respondent admits that the case of the petitioner falls under category- 3 and not category-2. Having consciously admitted the fact that the petitioner falls



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under Category 2, erroneously, the respondent has applied the rule for category- 3 and refused patta to the petitioner. Only where the land is vacant and construction is put up after the Natham Scheme, then alone, the case would fall under category-3, requiring the petitioner to establish continuous possession, right from the year 1966 onwards. However, under Category-2, there is no such requirement and once the petitioner is able to show that it is a vacant site and there is an unbroken chain of documents to establish ownership, the District Revenue Officer is competent to issue patta. It is only, in this regard, the respondent was even called upon to give report to the District Revenue Officer who rightly has found the petitioner to be entitled to patta and forwarded the report to the District Revenue Officer. However, subsequently, the respondent has gone back on his earlier report and relying on the circular i.e., Category-3 as well as under the wrong assumption that the petitioner is claiming free house site patta, has rejected the application of the petitioner.

5. I am therefore, constrained to interfere with the impugned order.

The writ petition is allowed, the impugned order is set aside and the



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respondent is directed to forward his report dated 16.04.2019 signed on 16.07.2019 based on which, the District Revenue Officer shall pass orders on the said report and issue patta to the petitioner. The said exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

NCC : Yes / No

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12.03.2025

To

The Tahsildar,
Oddanchathiram Taluk,
Dindigul District.



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P.B. BALAJI, J.

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Order made in
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Dated:
12.03.2025