



W.P.(MD)No.2966 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2025

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

W.P.(MD).No.2966 of 2022

R.Subbulakshmi

... Petitioner

Vs.

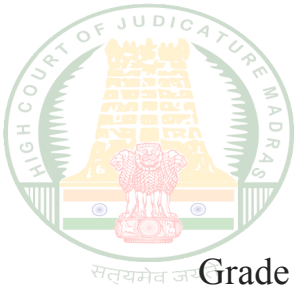
1. The District Collector,
Madurai.

2. The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

3. The Thasildar,
Thiruparankundram Taluk,
Madurai District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 18.12.2021 passed by the 3rd Respondent in Na.Ka.No.5011/2021/C and quash the same and consequently direct the 3rd Respondent to issue patta in the name of the petitioner, her two children, a daughter and a son, based upon the resolution passed on 18.10.2005 by Thirupparankundram Municipality



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Grade III and as per G.O.Ms.No.148 dated 23.06.2006 and G.O.Ms.No. 213 dated 25.08.2006 passed by the Housing Urban Development UDIV(1) Department respectively.

For Petitioner : Mr.P.Paranthaman
For R1 to R3 : Mrs.S.Jeya Priya
Government Advocate

ORDER

The writ petition is filed challenging the order passed by the 3rd respondent rejecting the request of the petitioner for issuance of patta in respect of the property situated in S.No.428/1, Tirupparankundram Village, Madurai District.

2. Heard the learned counsel appearing for the petitioner and Mrs.S.Jeya Priya, learned Government Advocate who takes notice for the respondents 1 to 3.

3. By consent of both the parties, the writ petition is taken up for final disposal at the stage of admission itself.

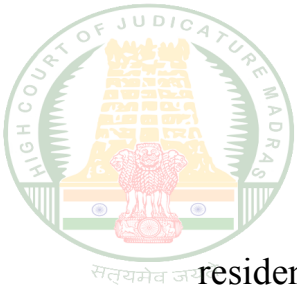


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4. The learned counsel appearing for the petitioner would submit that the impugned order was passed by the 3rd respondent without considering the effect of G.O.Ms.No.213 Housing Urban Development UDIV(1) Department dated 25.08.2006 and therefore, the impugned order dated 18.12.2021 is liable to be set aside.

5. G.O.Ms.No.213 Housing Urban Development UDIV(1) Department dated 25.08.2006 referred by the petitioner is relating to the amendment of master plan. A reading of same would indicate there was change of land use from Agriculture Use Zone to Mixed Residential Use Zone. The S.No.428/1 has been dropped from Agriculture Use Zone in the master plan. It is also clear change of land use zone has been effected with condition that channel situated therein shall not be affected. The change in land user zone in master plan will not affect classification of land in revenue document. Even in Residential Zone/Mixed Residential Zone there may be waterbodies, roads, communal land etc. Merely because particular survey number is coming within the area classified as residential zone in master plan we cannot presume the said survey number is



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residential plot in revenue classification. Hence, based on amendment to master plan, the petitioner cannot advance his arguments.

6. A perusal of the impugned order would indicate in the revenue records, the entire survey number of the subject property in S.No.428/1 with an extent of 0.85.0 ares is classified as water body in the name of Nilaiyur Periyakulam Neerpidi. In the “UDR A Register” also the subject property is classified as a “Government Waterbody Poramboke”.

7. Apart from the same, the 3rd respondent also refers to an order passed by the Revenue Divisional Officer dated 02.08.1999 in his proceedings in Na.Ka.No.15332/1999/E cancelling the patta issued in the name of three persons including petitioner's husband Rajendran. Without challenging the order passed by the Revenue Divisional Officer dated 02.08.1999, the petitioner is not entitled to file an application before the 3rd respondent seeking issuance of patta. Therefore, I do not find any reasons to interfere with the order impugned in this writ petitioner.



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8. Accordingly, the writ petitioner stands dismissed. No costs.

30.07.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

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S.SOUNTHAR, J.

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