

W.A.(MD)No.328 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.328 of 2025

D.Jebasither

... Appellant

Vs.

1. The Sub Registrar,
Tuticorin District, Tuticorin.

2. The District Collector,
Tuticorin District, Tuticorin.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P(MD)No.1953 of 2025, dated 24.01.2025.

For Appellant : Mr.G.Prabhu Rajadurai
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate



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JUDGMENT

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(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

This writ appeal is directed against the order made in W.P(MD)No.1953 of 2025, dated 24.01.2025.

2. The writ petition was filed challenging the order passed by the 1st respondent dated 18.12.2024, whereby, the 1st respondent has furnished the information under the Right to Information Act.

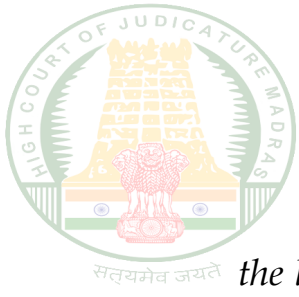
3. The contention of the appellant is that the first limb of the prayer he has given up. The second limb of the prayer is to register the settlement deed. The respondents are refusing registration stating that the land is classified as Kattukuttagai. However, it is seen from the records that the Commissioner of Land Administration vide order dated 14.04.2014, has held that the classification of lands as Kattukuttagai does not mean it is Government land. In 1911 survey, these lands were in the



names of the individuals. The relevant portion is extracted hereunder:

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"7. The Abolition Acts have been enacted to abolish the Land Tenures and to introduce the uniform Ryotwari System in the State. As the Milavittan Village is a Ryotwari Village and the Kattukuttagai lands are not covered under any Inam Title Deed, it is not required or possible to carry out the settlement process in the village once again. However, a detailed perusal of the records shows that the term 'Kattukuttagai' in the village records seems to indicate that the land had a fixed assessment of land revenue and not a regular one. These lands as well as the land which had a regular assessment of land revenue (and were subsequently classified as Ryotwari lands in the Updating Registry Scheme 'A' Register) were originally classified as 'Government Dry' or 'Wet' in the 1911 Resurvey and Resettlement Register. Further, these Kattukuttagai assessment lands (which are to be differentiated from the Kattukuttagai kulams which have been clearly classified as Government poramboke) have been registered in the names of Individuals from the 1911 Resurvey and Resettlement Register. Since the original method of assessment of land revenue was different and it was specifically recorded so during the settlement, there seems to be no case to change the classification or the assessment at this stage to Ryotwari punjai' without further going into the reasons behind such a differential assessment. However, the classification of



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the land as Kattukuttagai does not seem to bar the land holders from carrying out transactions on these lands for which they have been originally holding patta."

4. Based on the aforesaid classification, this Court is of the considered opinion that if individuals are having patta for Kattukuttagai lands, then the same belongs to the individuals and they have right to deal with the property.

5. Therefore, this Court is inclined to set aside the impugned order made in W.P(MD)No.1953 of 2025, dated 24.01.2025. Accordingly, the impugned order is set aside and the matter is remitted back to the authority who shall consider the case of the appellant in the light of the order passed by the Commissioner of Land Administration dated 14.04.2014. The appellant is directed to produce the patta and all other relevant documents. On such production, the authority is directed to consider the same and pass orders within a period of four weeks from the date of receipt of a copy of this order.



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6. With the above direction, the Writ Appeal is allowed.

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No costs.

[J.N.B., J.] [S.S.Y., J.]
07.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:

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Tuticorin District, Tuticorin.
2. The District Collector,
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JUDGMENT MADE IN
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