



W.P.(MD)No.4291 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.4291 of 2022

Pandurangan

.... Petitioner

/Vs./

- 1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 3.The Tahsildhar,
Aruppukottai,
Virudhunagar District.
- 4.The Kalloorani Panchayat,
Through its Executive Officer,
Kalloorani, Aruppukottai Taluk,
Virudhunagar District.
- 5.Muniasamy
- 6.Vellaisamy

... Respondent



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records relating to the impugned proceedings of the first respondent in Na.Ka.G4/34197/2021, dated 24.02.2022 and quash the same as illegal and consequently direct the respondents to grant patta to the petitioner for the lands in S.No.476/1 (old S.No.137 part) in Kalloorani Village, Aruppukottai Taluk, Virudhunagar District, measuring 0.22.50 sq.m.

For Petitioner	: Mr.V.R.Shanmuganathan
For R1 to R3	: Mr.B.Saravanan Additional Government Pleader
For R4	: No appearance
For R5 & R6	: Mr.G.Prabhu Rajadurai

ORDER

The petitioner challenges the impugned order of the first respondent in Na.Ka.G4/34197/2021, dated 24.02.2022 and consequently, seeks direction to issue patta to the petitioner in respect of the subject lands.

2. I have heard the learned counsel appearing for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.G.Prabhu Rajadurai, learned counsel appearing for the respondents 5 & 6.



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3. The learned counsel for the petitioner would invite my attention to the impugned order passed by the first respondent. Straightaway, the learned counsel would submit that the rejection of the petitioner's application is two fold. Firstly, it is on the ground that the document on which, reliance is placed on by the petitioner in 1552 of 1951 does not contain the subject survey number, in respect of which, the petitioner seeks patta. Secondly, there is a suit in O.S.No.129 of 2021 pending, where it is contended that the subject survey number is Sarkar Poramboku Lands and the same is being used by general public. Referring to the impugned order, the learned counsel for the petitioner would submit that insofar as the second contention that the suit was pending on the date of the impugned order being passed, he would submit that subsequently, the suit has been dismissed for non-prosecution on 31.10.2023 and would further contend that as on date, there is no application filed even to restore the suit. Further, he would submit that insofar as the document, there being no mention of the subject survey number, he would refer to the year of the document, viz., 1951, when it was not unusual for properties to change hands, without mentioning survey numbers, but only mentioning 4 definite boundaries



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and extent. In this regard, he would fortify his contentions, to referring to the reports of the Tahsildar and the Revenue Divisional Officer, who have given findings in favour of the petitioner, confirming the petitioner's entitlement for patta. As rightly pointed out by the learned counsel for the petitioner, while passing the impugned order, the first respondent has not even referred to the said reports of the Tashildar and the Revenue Divisional Officer. When the revenue authorities had inspected the property and found the petitioner to be entitled to patta and had also recommended for issuance of patta, if the first respondent had chosen to reject the said reports for whatever reason, the first respondent ought to have at least discussed the said reports and rendered findings there on and given independent reasons as to why the first respondent disagrees with the said findings and proceeding to over rule the same, in order to come to a final decision to not issue Patta to the petitioner. Though the learned counsel for the respondents 5 and 6 would contend that it will be an exercise in futility to remit the matter to the first respondent since the petitioner has no documents, admittedly in his favour, I am unable to countenance the said submission for the simple reason that the document under which the petitioner claims title has been registered way back in



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the year 1951 and as rightly pointed out by the counsel for the petitioner, it was not uncommon during those days for properties being conveyed without even mentioning the survey number. In this context, the reports of the Tahsildar and the Revenue Divisional Officer would assume significance, because they being field officers have conducted field inspection and found the petitioner to be in possession and also forwarded the recommendations for issuing patta to the petitioner. No doubt, the first respondent as the superior authority has a right to reject the said report of the Tahsildar and the Revenue Divisional Officer, but when he does not even refer and discuss the said reports, leave alone give reasons for not concurring with the findings of the subordinate revenue authorities, the order which has been passed by the first respondent is clearly violative of the principles of equity, fairplay and good conscience, thereby, warranting interference in writ jurisdiction under Article 226 of the Constitution of India.

4. For all the above reasons, I am inclined to set aside the impugned order and remit the matter to the first respondent for fresh consideration. The writ petition is allowed and the impugned order is set



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aside and the matter is remitted to the first respondent to consider and pass fresh orders after hearing the petitioner and respondents 5 & 6 and after taking into account the reports of the Tashildar and Revenue Divisional Officer and any fresh evidence that may be produced by the petitioner as well as respondents 5 and 6. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Index : Yes / No
NCC : Yes / No
am

12.03.2025

To

- 1.The District Revenue Officer,
Virudhunagar District,
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Virudhunagar District.
- 3.The Tahsildhar,
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P.B. BALAJI, J.

am

Order made in
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Dated:
12.03.2025