



W.P.(MD)No.11018 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

WP(MD)No.11018 of 2023

Moorthi.K

... Petitioner

Vs.

1. The District Collector
Dindigul District.
2. The Revenue Divisional Officer,
Dindigul District.
3. The Tahsildar
Dindigul West Taluk, Dindigul District.
- 4 The Block Development Officer
Reddiyarchathiram Union,
Dindigul District.
5. The Revenue Inspector
Tharmathupatti, Dindigul West Taluk,
Dindigul District.
6. The President
Ponnimandurai Village Panchayat,
Reddiyarchathiram Union,
Dindigul District.

... Respondents



W.P.(MD)No.11018 of 2023

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 3rd respondent in his proceedings in Na.Ka.No.2697/2020/A1 dated 31.05.2022 and quash the same and consequently direct the respondents to issue patta to the house of the petitioner situated in survey number S.F.No.890/1 situated in Rayarpatti Sinthalagundu Revenue Village, Dindigul West Taluk, Dindigul District.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1-5

ORDER

I have heard the learned counsel on either side.

2. The petitioner challenges the proceedings of the third respondent dated 31.05.2022.

3. The impugned order came to be passed after conducting due enquiry and giving an opportunity to the petitioner, which is not disputed or denied. However, the learned counsel for the petitioner submits that



W.P.(MD)No.11018 of 2023

the reasons for rejecting the petitioner's request application for patta, treating the petitioner as an encroacher and that the petitioner is a man of means are unsubstantiated and self serving. The learned counsel for the petitioner states that insofar as the property that has been assigned to the petitioner's father, the petitioner's parents are residing there and the petitioner is living separately in the subject property, which is also admittedly, natham lands. Further, the case of the petitioner is that the father settled the property in favour of the petitioner and his brother in respect of 660 sqft., only at the time of the marriages of the said sons being performed to project the persons as wealthy and eligible persons. According to the learned counsel for the petitioner, the petitioner continues to be in occupation and only the asbestos shed was removed by the authorities.

4. The learned Special Government Pleader on the other hand would submit a detailed order has been passed and the considerations that are required to be met have also been factored, while rejecting the petitioner's application for patta.



W.P.(MD)No.11018 of 2023

WEB COPY

5. I have gone through the status report that has been filed by the Tahsildar / third respondent, where it is stated that portion of the property has been taken possession already on 22.02.2018. It is again reiterated that the petitioner has already been settled with property in survey No. 890/2, measuring 660 sqft., in and by settlement deed in document No. 6672/2010 and that the Local Panchayat has even passed a resolution, objecting to grant of house site to the petitioner in Survey No. 890/1, considering his entitlement of his lands in survey No.890/2. Therefore, the learned Special Government Pleader seeks dismissal of the writ petition.

6. The learned counsel for the petitioner also places reliance on the judgment of this Court in W.P.(MD)No.4936, 6015, 6514 & 6795 of 2025 in ***N.S.Krishnamoorthi V. The District Collector, Krishnagiri District and others***, dated 26.03.2025, where this Court discussing the entitlement of the persons to assignment patta in grama natham lands held that ceiling of 3 cents prescribed under the RSO is Applicable only to assignment of unoccupied Natham lands and not for occupied Natham lands, which has been held consistently by the Court as private property



W.P.(MD)No.11018 of 2023

WEB COPY

of the occupant. The Court further directed the authorities to conduct enquiry and ascertain the grama natham lands in possession and enjoyment of the petitioner's therein and thereafter, issue patta to such extent. Therefore, the learned counsel for the petitioner seeks for similar orders being passed in the present writ petition.

7. At the outset, I find that the said issue that was decided by this Court is pertaining to ceiling of 3cents in respect of unoccupied natham lands and in such circumstances, this Court ordered that for occupied Natham land, there can be no such ceiling of 3 cents. Here, the extent of land for which the assignment patta has been issued is less than 3 cents and it is certainly not unoccupied Natham lands, which according to him, the petitioner was found to be in possession and he has been partially evicted therefrom. The learned counsel for the petitioner has also produced house tax receipts to evidence the construction of a residential house in the subject lands. According to the learned counsel for the petitioner, only because of personal enmity, the panchayat has passed a resolution and in any event, it should not serve as a bar to the petitioner's entitlement to the issuance of an assignment patta .



W.P.(MD)No.11018 of 2023

WEB COPY

8. I do not find the order impugned in the writ petition being perverse on the face of it. Considering the fact that the petitioner has justifiable explanation for the various reasons that have been assigned to reject the petitioner's request for patta and that the properties of an extent of less than 3 cents of occupied Natham land, it would be fit and proper to afford one more opportunity to the petitioner to make out his case for entitlement of assignment patta.

9. In view of the above, the impugned order is set aside and remitted to the 3rd respondent for conducting an enquiry, giving fair opportunity to the petitioner to produce all relevant documents in support of the claims of possession of the other property at the hands of the parents and also with regard to the petitioner's brother living with the parents in the small extent of an extent of 660 square feet, which certainly would be very difficult for the petitioner's family to be accommodated in the small extent of 660 sqft. The 3rd respondent shall take a considerate view in the matter and pass fresh orders on the petitioner's application and also in terms of revised guidelines issued by



W.P.(MD)No.11018 of 2023

WEB COPY

the State Government and pass fresh orders on merit and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

28.04.2025

Internet : Yes/No
NCC : Yes/No
LS

To

1. The District Collector
Dindigul District.
2. The Revenue Divisional Officer,
Dindigul District.
3. The Tahsildar
Dindigul West Taluk, Dindigul District.
- 4 The Block Development Officer
Reddiyarchathiram Union,
Dindigul District.
5. The Revenue Inspector
Tharmathupatti, Dindigul West Taluk,



W.P.(MD)No.11018 of 2023

WEB COPY Dindigul District.

P.B. BALAJI, J.

LS

6. The President

Ponnimandurai Village Panchayat,
Reddiyarchathiram Union,
Dindigul District.

Order made in
W.P.(MD)No.11018 of 2023

Dated:
28.04.2025