



W.P.(MD)No.988 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.988 of 2019

Arumugam

.... Petitioner

/Vs./

1.Special Tahsildar,
Natham Settlement,
District Court Campus,
Pudukottai.

2.Prithiviraj @ Rajagopala Thondaman

3.The Tahsildar,
Pudukottai.

(The third respondent is suo motu
impleaded as per the order of
this Court dated 18.03.2025)

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent in Na.Ka.No.775/2018(A1) dated 28.08.2018 and quash the same with a consequential direction directing the first respondent to mutate patta for 0.0272.0 sq.metres (2038 sq.ft) in T.S.No.8696/39, Block No.97, Pudukottai Town and District.



W.P.(MD)No.988 of 2019

WEB COPY

For Petitioner : Mr.N.Balakrishnan
For R1 : Mr.M.Lingadurai
Special Government Pleader
For R2 : Mr.Ponnupandi
for Mr.K.Govindarajan

ORDER

The writ petitioner challenges the order of the first respondent in Na.Ka.No.775/2018(A1), dated 28.08.2018 and consequently direct the first respondent to mutate the patta in favour of the petitioner. The first respondent has proceeded to rely on the patta standing in the name of the predecessor interest of the second respondent and for that reason, the petitioner's application for patta has been rejected.

2. The counter affidavit filed by the first respondent in this writ petition is also to the same effect. However, the learned counsel for the second respondent, who is the successor in interest of the Maharaja of Pudukkottai, fairly submits that the petitioner is admittedly in possession of the subject property and the claim of the petitioner is that the Maharaja of Pudukkottai had gifted the subject lands to the faithful employee of one Rajagopalan, from whom the petitioner had purchased the property.



W.P.(MD)No.988 of 2019

WEB COPY

Therefore, the second respondent honouring the original act of gifting made by the Maharaja of Pudukkottai, concedes that the second respondent has no objection for issuance of patta in favour of the petitioner. The consent of the Maharaja of Pudukkottai was the only impediment for the authorities to deny Patta to the petitioner.

3. The learned Special Government Pleader appearing for the first respondent would submit that the petitioner has been using the property for commercial use, which is in violation of Natham scheme itself, as the petitioner can only put up a residential house and reside in the suit property and cannot put the property to any commercial use. I find from the typed set of papers that the petitioner has assessed the property to tax and even prior to his purchase, the taxes were being paid by the petitioner's vendor Rajagopalan and assessment of the building is also residential in nature. I find that for the said property the Civil Supplies Department has also issued a ration card. Therefore, there is no reason for the respondents to deny patta to the petitioner.



W.P.(MD)No.988 of 2019

WEB COPY

4. The learned counsel for the petitioner would also place reliance on the judgment of the Hon'ble Division Bench of this Court in *the Eexecutive Officer, Kadathur vs V.Swaminathan and others* reported in **2004 3 CC 270**, where, the Hon'ble Division Bench of this Court held that the house sites which are classified as Grama Natham lands, would not vest with the Government and the persons who are in possession, are entitled to continue occupation of the same.

5. The learned Special Government Pleader would submit that the first respondent, who has been arrayed as Special Tahsildar Natham settlement, which office has been subsequently withdrawn and the regular revenue Tahsildar, Pudukkottai would be the competent person to issue patta to the petitioner. Therefore, the Tahsildar, Pudukkottai is suo motu impleaded as third respondent in the writ petition.

6. In view of the consent now being expressed by the second respondent, the petitioner is entitled to mutation of patta in his name. Consequently, the impugned order is set aside and the Tahsildar,



W.P.(MD)No.988 of 2019

WEB COPY

Pudukottai is directed to issue a patta to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

7. In view of the above, the writ petition is allowed. No costs.

Index : Yes / No
NCC : Yes / No
am

18.03.2025

To
The Special Tahsildar,
Natham Settlement,
District Court Campus,
Pudukottai.

Copy to

The Tahsildar,
Pudukottai

P.B. BALAJI, J.



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W.P.(MD)No.988 of 2019

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Order made in
W.P.(MD)No.988 of 2019

Dated:
18.03.2025