



W.P.(MD)No.12287 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.12287 of 2024
and
W.M.P(MD)No.10899 of 2024

Iruthayaraj

.... Petitioner

/Vs./

1. The District Collector
Office of the Collectorate,
Tirunelveli District.
2. The District Revenue Officer
Office of the Collectorate,
Tirunelveli District.
3. The Sub Collector
Cheranmagadevi,
Tirunelveli District.
4. The Tahsildar
Nanguneri, Tirunelveli District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in



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Na.Ka. No.Ka2/104/2024 dated 23.04.2024 and quash the same as illegal and consequentially to direct the respondent 1 and 2 to issue patta in the name of the petitioner qua the land to an extent of 4 Acres 10 cents in Survey No.637/1 Munanjipatti Village, Nanguneri Taluk, Tirunelveli District in the light of the registered sale deed dated 21.05.1969 in Doc. No.601 of 1969 and the registered sale deed dated 17.11.2006 in Doc. No.1477 of 2006 on the file of the jurisdictional Sub-Registrar.

For Petitioner : M/s.H.Jasima Yasmin
for M/s.Ajmal Associates
For Respondents : Mrs.S.Jeyapriya
Government Advocate

ORDER

The petitioner challenges the order of the second respondent in Na.Ka.No.Ka2/104/2024, dated 23.04.2024 and consequently, seeks issuance of patta in the name of the petitioner in respect of 4 acres 10 cents in survey number 637/1, Munanjipatti Village, Nanguneri Taluk, Tirunelveli District.

2. I have heard Miss.H.Jasima Yasmin, learned counsel for the petitioner for M/s.Ajmal Associates and Mrs.S.Jeyapriya, learned Government Advocate appearing for the respondents.



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3. The learned counsel for the petitioner would submit that the petitioner challenges the impugned order on three grounds. Firstly, the authority has presumed that the subject lands are Inam lands and proceeded to reject the petitioner's application for patta. Secondly, in respect of the very same survey number, other persons have been issued patta and in support of the said contention, the learned counsel for the petitioner took me through the various pattas that have been mutated in different names, in respect of the very same survey number 637/1, which has been subsequently subdivided as 637/9,10,11 and 12. Thirdly, she would submit that even in the unlikely event of the lands being Inam lands also, the respondents have not discussed the entitlement of the petitioner to Kudivaram rights. Therefore, the learned counsel for the petitioner seeks for the impugned order being set aside.

4. Per contra, the learned Government Advocate appearing for the respondents would submit that the first respondent has found that the petitioner has purchased the Inam lands in violation of conditions and further, reliance is placed in RSO No.55 of the Board Standing Orders.



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The learned Government Advocate would therefore pray for dismissal of the writ petition.

5. In reply, the learned counsel for the petitioner would invite my attention to the Board of Standing Orders, Chapter 3, which only contains RSO No.55 and would contend that RSO 52 to 65 were deleted vide Government Order in G.O.Ms.No.2570, Revenue, dated 28.11.1977 and therefore, the authority had no right to reject the petitioner's application citing a non existing RSO.

6. I find force in the submissions of the learned counsel for the petitioner. The first respondent has not applied his mind to the claims made by the petitioner and has proceeded to reject the petitioner's application on a non existing RSO No.55. Therefore, the impugned order is set aside and the matter is remitted to the first respondent to conduct a fresh enquiry, after hearing the petitioner after taking into account pattas issued to other persons and pass final orders on merits and in accordance with law, within a period of eight weeks thereafter.



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

Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

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Order made in
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Dated:
27.03.2025