



W.P.(MD)No.16712 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

WP(MD)No.16712 of 2022

and

W.M.P.(MD)No.12117 of 2022

Kannan.D

... Petitioner

Vs.

1. The District Revenue Officer
Cum Additional District Magistrate,
Tiruchirappalli District.
2. The Revenue Divisional Officer,
Srirengam Taluk,
Tiruchirappalli District.
3. The Tahsildar
Taluk Office, Manapparai Taluk,
Tiruchirappalli District.
4. The Special Tahsildar
Taluk Office, Manapparai Taluk,
Tiruchirappalli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus, to call for the records of



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the 1st respondent in its impugned proceedings in Na.Ka.Aa2/9246/2021 dated 16.05.2022 and quash the same and consequently direct the 1st respondent to reclassify 0.31 cents of land comprised in Survey No. 733/2 ward G Block 9 of Sevalur Village, Manapparai Taluk, Tiruchirappalli District, as assessed punjai and carry out mutations in the 10(1) Chitta and other Revenue records and issue updated patta to the petitioner and other legal heirs of (late) Dhanapa Naidu.

For Petitioner : M/s.J.Maria Roseline

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner challenges the order of the first respondent in Na.Ka.Aa2/9246/2021, dated 16.05.2022, viz., the order of reclassification of the petitioner's patta lands as “Tharisu Government Poramboke”

2. The learned counsel for the petitioner would take me through the original assignment order issued in favour of the petitioner's grandfather father viz., Dhanapal Naidu. Subsequently, it is seen that the revenue records have also been mutated in the name of the father of the



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petitioner and after the demise of the petitioner's father, patta has also been mutated in the names of sons of Dhanapal Naidu, in whose favour the original assignment was issued. Thereafter, the petitioner and brothers have also paid necessary kist to the authorities and in evidence of the same, receipts have been enclosed in the typed set of papers. While so, without any notice to the petitioner or his brothers, the said lands have been reclassified as “Government Tharisu land”.

3. I have heard the learned counsel on either side. The order passed by the first respondent is also perused.

4. I find that the only ground on which the first respondent has rejected the request for reclassification made by the petitioner is that the original records pertaining to 1940 proceedings are not available in the office of the respondents, and therefore, genuineness of the assignment order in favour of the petitioner's father is not ascertainable, and in such circumstances, the request for reclassification has been rejected. Unfortunately, the first respondent has failed to advert attention to the various subsequent mutations effected by the revenue authorities right



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from the mutation of revenue records in favour of the original assignee, Dhanapal Naidu, and subsequently, patta issued in favour of his legal heirs and also collection of taxes by way of kist from the petitioner and his brothers. Therefore, the order under challenge is clearly unsustainable for want of diverting attention to relevant material documents that have been produced on behalf of the petitioner. The impugned order is passed only on the ground that the original records are not available, in order to ascertain the genuineness of the assignment order in favour of the petitioner's father. The same is clearly perverse and illegal.

5. For all these reasons, I am inclined to set aside the order of the first respondent. Hence, this Writ Petition is allowed and the impugned order passed by the first respondent dated 16.05.2022 is hereby set aside. The first respondent is directed to reclassify the lands from Government Poramboke Tharisu lands as assessed punja and restore patta of the petitioner and his brothers, within a period of twelve weeks from the date of receipt of a copy of this order. It is brought to my notice by the learned counsel for the petitioner that one of the brothers of the petitioner, viz., Nannappan, has passed away and hence, while issuing the joint patta, the



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patta shall be in the name of the petitioner, and his brother, viz.,Sriramulu and the legal heirs of Nannappan. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
NCC : Yes / No
LS

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P.B. BALAJI, J.

LS

Order made in
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Dated:
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