



W.P.(MD) No.17335 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:12.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.17335 of 2023

and

W.M.P(MD)No.14529 of 2023

T.Rameshpandian

... Petitioner

vs.

1.The District Revenue Officer,
Thenkasi District, Thenkasi.

2.The Revenue Divisional Officer,
Sankarankovil Taluk,
Thenkasi District.

3.The Zonal Deputy Tahsildar,
Sankarankovil Taluk Office,
Thenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent made in Ne.Mu.H2-COLR-8705-2022 (See.Ma.33-2022), dated 08.06.2023 conforming the order passed by the second respondent made in Ne.Mu.A2/1061/2022, dated 19.06.2022 and order dated 14.11.2021 passed by the third respondent made in proceedings No.Nil, and quash the same consequently directing the respondents



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to issue patta in favour of the petitioner properties Admeasuring 13 acres and 44 cents situated in K.Maruthapuram Village, Sankarankovil Taluk, Thenkasi District based on the registered sale deeds in Document Nos.1472, 1473, 1474, 1475 and 1476 of 2014, dated 16.06.2014.

For Petitioner : Mr.N.Marimuthu

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner challenges the impugned order passed by the first respondent dated 08.06.2023, confirming the order of the second respondent dated 19.06.2022 and the order dated 14.11.2021 passed by the third respondent.

2.The case of the petitioner is that the petitioner purchased the properties comprised in S.Nos.287/1, 288/1, 288/2, 293/1, 293/2 and 319/4, measuring a total extents of 13 acres and 44 cents from the then owners, namely, M/s.CAPE Infrastructure Private Limited, under various registered sale deeds dated 16.06.2014. According to the petitioner, the petitioner is in possession and enjoyment of the subject lands and he has also caused an unapproved layout of the same into 480 plots. Some of the plots in the unapproved layout have also



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been sold. The petitioner has applied for regularization of the plots and the same was also granted by order dated 10.06.2019.

3.Subsequently, when the petitioner applied for a separate patta in respect of the remaining lands in his possession and enjoyment, the said application was rejected by the third respondent without application of mind. The appeal preferred before the second respondent was also dismissed, placing reliance on the report of the Village Administrative Officer. Thereafter, the second respondent passed an order rejecting the appeal on the ground that the original owner of the lands, namely, M/s.Moolchand Exports Company Limited, had applied under Section 37(A) for exemption, for holding the excess lands under the Land Reforms Act, in respect of the lands in Kurukkalpatti and Chinnakovilankulam villages and the same was rejected by the Government in G.O.(Ms)No.682, dated 21.12.2010, with a direction to take action to take over the lands held by the said company. Subsequently, the Tamil Nadu Mercantile Bank Limited, Chennai, claiming to have advanced loans to the said Moolchand Exports, filed a writ petition in W.P.No.12202 of 2012 and in the said writ petition, the Government order was set aside, with a direction to reconsider the application of Tamil Nadu Mercantile Bank.



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4.However, the specific case of the petitioner is that the properties of the petitioner are situated only in K.Maruthapuram village and not in Kurukkalpatti and Chinnakovilankulam villages in respect of which alone, the land ceiling proceedings were initiated. According to the petitioner, the same has not been considered by the authorities while rejecting the petitioner's application. The petitioner also places reliance on pattas issued to the similarly placed persons by name, Raja S/o Ariyathalavar (Patta No.4298) and Rajathalavar S/o Ariyathalavar (Patta No.4377), who have purchased the lands from the very same M/s.CAPE Infrastructure Private Limited under sale deeds, vide document Nos.1841 of 2013 and 1471 of 2014 dated 29.08.2013 and 16.07.2014. The specific contention and grievance of the petitioner is that when similarly placed persons, who have also purchased from the same company, namely, M/s.CAPE Infrastructure Privated Limited, have been issued with patta, the petitioner cannot be treated differently and denied patta. It is further submitted that the patta issued to the said Raja and Rajathalavar are in force and have not been cancelled till date.

5.Considering the above and in view of the fact that the respondents have not adverted their attention to the specific contention of the petitioner that the subject lands are not situated in either of the two villages, namely, Kurukkalpatti



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and Chinnakovilankulam, but only in K.Maruthapuram Village, I deem it fit to set aside the impugned order and remit it to the first respondent for fresh consideration.

6.Accordingly, this Writ Petition is allowed in the following manner:

(i) The impugned order passed by the first respondent dated 08.06.2023, confirming the order of the second respondent dated 19.06.2022 and the order dated 14.11.2021 passed by the third respondent is set aside;

(ii) The matter is remitted to the first respondent for fresh consideration, after affording an opportunity to the petitioner to produce such further documents as may be necessary in support of his contentions;

(iii) It is needless to state that if similarly placed persons have been issued patta, then the petitioner's case also should be treated on par and ordered accordingly;



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(iv) However, it is left to the discretion of the first respondent to pass orders based on the available documentary evidence and keeping in mind that similarly placed persons have already been issued patta, who claimed title under the same vendor, M/s.CAPE Infrastructure Private Limited, shall pass orders on the petitioner's application;

(v) The said process shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

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NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

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- 2.The Revenue Divisional Officer,
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P.B.BALAJI, J.

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