



W.P.(MD)No.21546 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.21546 of 2018

and

W.M.P.(MD)Nos.19432 & 19433 of 2018

1. Radhakrishnan
2. Mookaiah
3. Marudha Muthu
4. Kumar
5. Arumugam

... Petitioners

Vs.

1. The District Collector
Pudukkottai District,
Pudukkottai.
2. The District Revenue Officer,
Pudukkottai.
3. The Revenue Divisional Officer,
Pudukkottai.
4. The Tahsildar
Pudukkottai Taluk,
Pudukkottai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the first respondent in his proceedings in Ni.Mu.36184/08/Aa3 dated 10.11.2016 and to quash the same with a consequential direction to grant patta as per Sections 8 and 21 of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 30 of 1963 for 44 rocks enumerated in the decree in O.S.No.645 of 1991 on the file of the District Munsif Court, Pudukkottai, dated 29.04.1999.

For Petitioners : Mr.N.Balakrishnan

For Respondents : Mrs.K.Malathi
Additional Government Pleader

ORDER

I have heard Mr.N.Balakrishnan, the learned counsel appearing for the petitioners and Mrs.K.Malathi, learned Additional Government Pleader appearing for the respondents.

2. The petitioner challenges the order of the first respondent in Ni.Mu.36184/08/Aa3 dated 10.11.2016 and to consequently issue a direction to grant patta to the petitioner as per Sections 8 and 21 of the



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Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 30 of 1963 for 44 rocks enumerated in the decree in O.S.No.645 of 1991 on the file of the District Munsif Court, Pudukkottai, dated 29.04.1999.

3. The learned counsel for the petitioners would invite my attention to the decree passed in O.S.No.645 of 1991, giving specific directions to be carried out by the defendants in the suit. He would also take me through the order passed in W.P.(MD)No.15021 of 2014, where this Court directed the petitioner's representation dated 15.02.2014, to be considered on merits and in accordance with law, in the light of the orders passed in civil Court, after affording an opportunity to the petitioners and other interested parties within a period of six weeks from the date of receipt of copy of the order.

4. The grievance of the petitioners is that the order impugned in the writ petition has been passed without affording an opportunity to the petitioners and is clearly violating the order passed by this Court in the said writ petition. Moreover, the learned counsel for the petitioners would also submit that even the directions issued by the civil Court in



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O.S.No.645 of 1991 have not also been followed. He therefore seeks for the impugned order being set aside.

5. The learned Additional Government Pleader, Mrs.K.Malathi, would submit that notices were issued to all the parties and proper enquiries were made and only after considering the entire documents and evidence produced by the parties, the order came to be passed by the first respondent. She would therefore seek for dismissal of the writ petition.

6. The petitioners were all Carpenters, who were serving, the then Maharaja of Pudukkottai and in recognition of the services of the petitioners, the Maharaja had given 44 rocks which had been listed in the decree passed in O.S.No.645 of 1991 dated 29.04.1999. The said rocks were conferred on the petitioner with the right to exploit the same by mining and it was given as a “service maniyam”. The case of the petitioners is that ever since the Pudukkottai Maharaja gave them the property. They have been carrying out quarrying activities and seeking their livelihood. It is also their case that from and out of the income accruing from quarrying the said rocks, they are also rendering service to



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Pudukkottai Devasthanam temple. The temple authorities have also supported the case of the writ petitioners.

7. I find from the decree passed in O.S.No.645 of 1991 that the Government was directed to conduct an enquiry, on the application of the plaintiff or even *suo motu* under the provisions of the Tamil Nadu Mineral Inam Abolition and Conversion and Ryotwari Act 1963 and further direction was given that until further orders passed by the Government, both parties were restrained from carrying quarry operations in the said rocks. The plaintiffs challenged the said decree in A.S.No.20 of 2010. However, the First Appellate Court confirmed the judgment and decree of the suit dated 21.08.2000. The plaintiffs challenged the same, filed a second appeal in S.A.No.762 of 2001 which also came to be dismissed by this Court on 22.07.2012. In view of the directions issued in the suit by the trial Court, which was confirmed by the appellate Court and the petitioners applied to the authorities seeking patta under Act 13 of 1963. No action was taken. The petitioners sent a representation to the first respondent on 05.03.2014, calling upon the first respondent to conduct enquiry and considering the petitioners'



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application for issuance of patta. Even thereafter, no steps were taken and therefore, the petitioners filed W.P.(MD)No.10531 of 2014, the said writ petition was disposed of on 28.04.2015 with a direction to the first respondent to consider the petitioner's representation dated 15.02.2014 and pass orders on merits and in accordance with law and in the light of the orders passed in the civil suit, after giving opportunity to the petitioners and any other interested parties.

8. In furtherance of the orders passed by this Court, the first respondent has proceeded to pass an order on 10.11.2016, which is impugned in the present writ petition. The findings in order impugned in the writ petition are that even adverse report has been given by the Personal Assistant (Land) of the District Collector, Pudukkottai, dated 30.03.2016, report of the Assistant Director of Geology and Mining, dated 18.07.2016 and report of the Joint Commissioner, Hindu Religious and Endowment Department, dated 08.11.2016. The first respondent further held that the petitioners were neither entitled to patta nor compensation. Further, they have also not rendered my service to the temple regularly. The learned counsel for the petitioners would primarily



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contend that the enquiry proceedings held by the first respondent was not in conformity to the order of this Court in W.P.(MD)No.15021 of 2014 dated 28.04.2015. The learned counsel would state that the impugned order has been passed, based on a report received by the first respondent, without giving an opportunity to the petitioners to test the same by way of cross examination. He would further contend that the first respondent has also not considered the provisions of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963. The learned counsel for the petitioners would therefore submit that if an opportunity is given to the petitioners, to put forth their claim, which have not been considered, the petitioners would be in a position to make out a good case for grant of patta in their favour.

9. I have carefully considered the submissions advanced by the learned counsel on either side and I have also gone through the documents filed in support of the writ petition by way of typed set of papers.



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10. With the specific reference to the direction issued by the civil Court in O.S.No.645 of 1991, it is clear that the authorities would have to conduct proper enquiry and thereafter pass orders on the request of the petitioners for issuance of patta. On a perusal of the impugned order, it is clear that merely referring to the directions issued in O.S.No.645 of 1991, the unsuccessful challenge made by the petitioner in A.S.No.20 of 2000 and S.A.No.762 of 2001 and the subsequent writ petition in W.P. (MD) No.15021 of 2014, the first respondent has come to the conclusion that the petitioners are not entitled to patta as prayed for by them.

11. It is evident from a reading of impugned order that the petitioners have not been provided a fair or reasonable opportunity to even putforth their contentions, leave alone meet / explain the adverse reports issued by the various authorities / department. Further, even when this Court while disposing of W.P.(MD) No.15021 of 2014, issued a direction that orders have to be passed after affording opportunity to the petitioners and other interested parties. Thus, the impugned order suffers for want of following principles of natural justice. On this limited ground, the impugned order is liable to be set aside.



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12. Accordingly, this Writ petition is allowed and the impugned order passed by the first respondent is set aside and the matter is remitted to the first respondent to conduct proper enquiry, after affording fair opportunity to the petitioners to produce relevant documentary evidence in support of their contentions and thereafter, the first respondent shall consider all the available documentary evidence and pass a considered order on merits. It shall be open to the petitioners to seek cross examination of the persons, who have given reports on which reliance may be placed on by the first respondent. The first respondent shall conclude the entire exercise within a period of four months from the date of receipt of a copy of this order and pass final orders on merits. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
LS

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P.B. BALAJI, J.

LS

Order made in
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