

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.01.2025**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.22339 OF 2022

Pappushan

: Petitioner

.VS.

1.The District Collector,
Nagercoil.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Padmanabhapuram,
Thuckalay.

3.The Tahsildr,
Vilavangkadu Taluk,
Kulithurai.

4.The Executive Engineer,
Public Works Department, STO,
Nagercoil, Kanyakumari District.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the third respondent in Na.Ka.No.A2/8479/2018, dated 12.3.2022 and to quash the same and further to direct the respondents to grant patta to the Petitioner's property situated in S.No.D5/256,Vilavancode Taluk, Kulithurai, Kanyakumari District.

For Petitioner

:Mr.R.Maheswaran



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For Respondents

:Mr.M.Muthumanikkam
Govt Advocate(Civil Side)

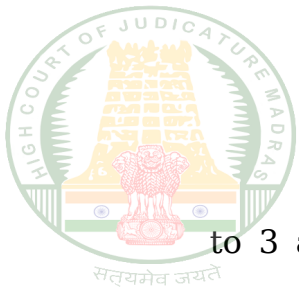
ORDER

The Writ Petition is filed for a Writ of Certiorarified Mandamus to quash the impugned order issued by the third respondent in Na.Ka.No.A2/8479/2018, dated 12.3.2022 and to quash the same and to further direct the respondents to grant patta for the Petitioner's property in S.No.D5/256,Vilavancode Taluk, Kulithurai, Kanyakumari District.

2.The land in S.No.D6-26 measuring an extent of 22 ¼ cents initially belonged to the Petitioner's mother Katheeja Beevi. According to the Petitioner, in the year 1981, on the request of the Government officials, the said land was given to the Government for the public purpose of constructing a building for Police Station and Police Quarters. In return, the Government granted land to the Petitioner and others in S.No.D5/256, which is a Government Poramboke land. The Petitioner has been cultivating the lands and has been in possession of the same for the past 37 years. The Petitioner states that in a part of the said Government poramboke lands, the Tamil Nadu Electricity Board installed transformers. As the Petitioner was in possession and enjoyment of the land allotted to him for the past 37 year, the Petitioner approached the

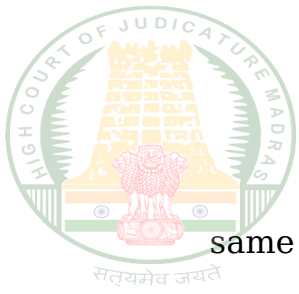


respondents for grant of patta in his favour and submitted a representation on 16.06.2017. The Petitioner also submitted representations to the District Collector and Revenue Divisional Officer on 20.7.2017. The second respondent vide proceedings, dated 23.8.2017, recommended for grant of patta and forwarded the application to the third respondent. The third respondent did not take any action and hence, the Petitioner sent another representation on 10.7.2018, for grant of patta for the lands allotted to him. Since no action was taken, the Petitioner filed a Writ Petition in W.P(MD)No.16500 of 2018 for a Writ of Mandamus directing the respondents to grant patta for the above said property. This Court vide order, dated 26.7.2018, directed the third respondent to consider the Petitioner's representation, dated 16.6.2017 and 10.7.2018 in the light of the recommendation, dated 23.08.2017 of the second respondent. However, the third respondent rejected the Petitioner's representation even without considering the recommendation of the second respondent. The petitioner therefore filed W.P(MD)No.24028 of 2019 challenging the rejection order. This Court vide order, dated 5.1.2022, directed the third respondent Tahsildar to pass further orders on the basis of the additional materials placed by the Petitioner. The Petitioner, in pursuance of the said order, submitted a detailed representation on 5.2.2022, along with additional materials to the respondents 1



to 3 and also enclosed the above order of this Court. The third respondent again rejected the Petitioner's request for grant of patta and hence, the Petitioner filed the above Writ Petition for the aforesaid relief.

3.The learned counsel for the Petitioner submitted that in the earlier Writ Petition, though the Petitioner's prayer was for a Writ of Certiorarified Mandamus to quash the order of the third respondent, dated 1.10.2018, rejecting the Petitioner's request for grant of patta, this Court without setting aside the order passed by the third respondent, directed the Tahsildar to pass further orders on the basis of the additional materials placed by the Petitioner and on the basis of the Petitioner's submission that though the land was classified as "Kulam" on ground, several shops were constructed in the land and a road was laid and a transformer was also installed in the said land. The learned counsel further submitted in pursuance of an interim order of this Court, in the present Writ Petition, the Tahsildar filed a report to this Court admitting that a transformer was installed, a concrete road was also laid and the kulam was filled with sand. The learned counsel therefore submitted that the said land is not used as a Kulam and hence a direction should be issued to the second respondent to consider the Petitioner's representation and pass orders on the



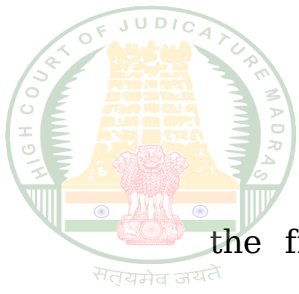
same in the light of the report of the Tahsildar, filed in the present Writ Petition.

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4.I have heard the submissions made on either side and perused the materials placed before this Court.

5.Admittedly, the classification of the land in revenue records is Kulam. In the report filed by the Tahsildar in the present Writ Petition, it is clearly stated that the extent of Kulam is 40 ares and 10 square meter in S.No.D5/256.Though the property is classified as Kulam, it is sand filled with a concrete road laid to an extent of 0.05.0 ares on the eastern side and on the north western portion, a transformer is installed to an extent of 0.00.50 ares. The Tahsildar,in his report filed before this Court has categorically admitted the above and as per the report, the lay of the land is not as per the classification found in the revenue records. On consideration of the Tahsildar's report and the lay of the land, I deem it appropriate to direct the second respondent to consider afresh the Petitioner's representation, dated 5.2.2022.

6.Therefore, without setting aside the order of the third respondent, a direction is issued to the second respondent to consider the Petitioner's representation, dated 5.2.2022 along with



the fresh representation to be filed by the Petitioner and the documents if any, to be submitted by him. The petitioner is directed to file a fresh representation along with documents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent is directed to pass orders on the said representations on merits and in accordance with law, after affording an opportunity of hearing to the Petitioner and other interested persons, if any, within a period of 12 weeks from the date of receipt of a copy of this order.

7.The Writ Petition is accordingly disposed of. No costs.

29.01.2025

NSC :Yes/No
Index:Yes/No
Internet:Yes/No

vsn

To

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- 3.The Tahsildr,



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N.MALA, J.

vsn

ORDER MADE IN
W.P(MD)NO.22339 of 2022

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