

W.P(MD)NO.22138 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.08.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.22138 of 2025

and

W.M.P(MD)No.17219 of 2025

K.Sundararaja

... Petitioner

.Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 4.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.
- 5.The Deputy Tahsildar-I,
Srivilliputhur Taluk,
Virudhunagar District.



W.P(MD)NO.22138 of 2025

6.The Executive Officer,
Mamsapuram Town Panchayat,
Virudhunagar District.

7.Gnanaguru

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.A3/31778/2015, dated 9.4.2025 and quash the same.

For Petitioner : Mr.C.Mayil Vahana Rajendran

For Respondents : Mr.A.Baskaran
1 to 5 Addl.Govt. Pleader

For Respondent-6 : Mr.S.Kameswaran
Govt.Advocate

ORDER

The Writ is filed challenging the order passed by the second respondent cancelling the 2C Patta issued in the name of Petitioner's father Karuppaiah.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the Petitioner, his father Karuppaiah was in



W.P(MD)NO.22138 of 2025

WEB COPY

possession and enjoyment of the land in S.No.1161/1 situated at Valaikulam Village, Srivilliputhur Taluk, Virudhunagar District measuring an extent of 1 acre 25 cents. It is further stated that he planted various fruit bearing trees and enjoyed the property. It is also stated that though the land is classified as 'Oorani', trees were planted outside the Oorani. Recognizing the Petitioner's father's possession, 2C patta was issued in his favour and he is paying 2C tax to the fourth respondent regularly. After the death of Petitioner's father, the Petitioner is continuing and paying 2C tax to the fourth respondent. When the President of the Local Panchayat tried to dispossess the Petitioner's father, he filed a civil suit in O.S.No.432 of 2010, on the file of the Principal District Munsif Court, Srivilliputhur seeking permanent injunction. The said suit was decreed in favour of Petitioner's father. The seventh respondent herein complained to the first respondent alleging that the Petitioner's father encroached the water body. Pursuant to the same, the third respondent cancelled the 2C patta vide order dated 29.7.2015. The said order was challenged by the Petitioner's father in W.P(MD)No.15644 of 2015. Pending the said Writ Petition, the Petitioner's father died and the Petitioner was substituted as Petitioner and allowed to continue the writ Petition. Ultimately, the said writ Petition was disposed of directing the Petitioner to file an appeal before the second



W.P(MD)NO.22138 of 2025

respondent. As directed, the Petitioner preferred an appeal before the second respondent on 29.11.2023. The said appeal was dismissed by affirming the order passed by the third respondent. Aggrieved by the same, the Petitioner has come before this Court with the present Writ Petition for the relief stated supra.

4.The learned counsel for the Petitioner relying on the decree passed by the Civil Court in O.S.No.432 of 2010, contended that the impugned order passed by the second respondent is vitiated by non-consideration of Civil Court's decree. It is also submitted by the learned counsel for the Petitioner that the Petitioner was not afforded reasonable opportunity to put-forth his case before the second respondent.

5.A perusal of the impugned order passed by the second respondent would indicate that the Petitioner appeared before the second respondent on 11.12.2024 and his statement was recorded on that day. The petitioner sought for issuance of 2C patta based on his long possession. Therefore, the submission made by the learned counsel for the Petitioner as if the Petitioner was not afforded with reasonable opportunity is not acceptable to this Court and the said contention is rejected.



W.P(MD)NO.22138 of 2025

WEB COPY

6.As far as the civil Court's decree relied on by the learned counsel for the Petitioner is concerned, the Petitioner's father Karuppaiah filed a bare injunction suit against the Executive Officer and President of Town Panchayat in O.S.No.432 of 2010 on the file of Principal District Munsif Court, Srivilliputhur. The said suit was decreed injunctioning the respondents therein from interfering with the Petitioner's father's possession either by auctioning the trees standing in the subject land or otherwise.

7.The revenue officials namely, respondents 1 to 5 were not added as party-defendants in the suit for bare injunction filed by the Petitioner's father. Therefore any finding in the said suit will not be binding upon the revenue officials. Further, it is not in dispute that the petitioner's father was issued with 2C patta. Therefore it is clear that the Petitioner's father accepted the title of the Government and paid 2C tax to the Government, in lieu of his enjoyment of the usufructs of the trees. When 2C patta is issued, enabling the holder to enjoy the usufructs of the trees, it can be cancelled by the permanent title-holder namely, the Government, at any time without assigning any reason. In the case on hand, the subject property is a 'water body' classified in the revenue records as "Oorani".Taking into consideration the said fact, the second respondent cancelled the 2C patta issued in favour of Petitioner's



W.P(MD)NO.22138 of 2025

father, who is no more and rejected the request of the Petitioner for grant of fresh 2C patta. I do not find any error in the order passed by the second respondent, as the Petitioner has no vested right to claim 2C patta.

8.Accordingly, the writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

12.08.2025

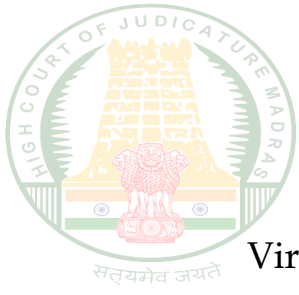
NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
Sivakasi,

6/8



W.P(MD)NO.22138 of 2025

Virudhunagar District.

WEB COPY

4.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

5.The Deputy Tahsildar-I,
Srivilliputhur Taluk,
Virudhunagar District.

6.The Executive Officer,
Mamsapuram Town Panchayat,
Virudhunagar District.

S.SOUNTHAR.,J.

vsn

ORDER MADE IN

W.P(MD)No.22138 of 2025

and

W.M.P(MD)No.17219 of 2025



WEB COPY



W.P(MD)NO.22138 of 2025

12.08.2025