



W.P.(MD)No.10895 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2026

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.10895 of 2026

1. Suseela
2. Shanthi
3. Kanmani

... Petitioners

Vs.

1. The District Collector,
Theni District,
Theni.
2. The Sub Collector,
Theni District,
Theni.
3. The Tahsildar,
Theni Taluk,
Theni District,
Theni

... 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 pertaining to the impugned order passed by the 3rd respondent vide his proceedings in E.Go.No. 12344/2025/A12 dated 03.02.2026 and quash the same and further directing the



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3rd respondent to issue patta in the name of the petitioners for the land comprised in Survey No.109/1 to an extent of 1 Acre 96 cents and Survey No.109/3 to an extent of 1 Acre 86 cents situated at Thappagundu Village, Theni Taluk, Theni District.

For Petitioners : Mr.A.Jayaramachandran

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned order passed by the 3rd respondent vide his proceedings in E.Go.No.12344/2025/A12 dated 03.02.2026 and quash the same and further directing the 3rd respondent to issue patta in the name of the petitioners for the land comprised in Survey No.109/1 to an extent of 1 Acre 96 cents and Survey No.109/3 to an extent of 1 Acre 86 cents situated at Thappagundu Village, Theni Taluk, Theni District.

2. The learned counsel appearing for the petitioner submitted that the petitioner claims rights over the property in Survey No.109/1, measuring an



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extent of 1 acre and 96 cents, and Survey No.109/3, measuring an extent of 1 acre 86 cents, on the basis of long-standing possession. It was further submitted that the petitioner belongs to a poor agricultural family and, from the time of his forefathers, the family has been in continuous possession by cultivating the said lands. The petitioner and his family members have been cultivating crops such as maize and millets and are eking out their livelihood from the same. It was also stated that in the year 1974, the petitioner's father and his brothers partitioned the said property among themselves; however, no patta was issued in their names. Subsequently, the petitioner sought issuance of patta, but the respondents, after considering the petitioner's claim, rejected the same. Aggrieved by the said rejection, the present writ petition has been filed.

3. The learned Additional Government Pleader appearing for the respondents submitted that the competent authority to grant patta is the Commissioner of Land Administration. However, in the present case, the order has been passed by the Tahsildar, who has stated that since the land is classified as Sarkar Poramboke Anadheenam, he does not have the authority to assign it.



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4. This Court is of the view that a large extent of land measuring 1 acre 96 cents and 1 acre 86 cents cannot be assigned to the petitioners, even if they are poor agricultural families cultivating the land. Generally, landless poor persons may be granted small extents, such as 2 or 3 cents, for the purpose of constructing houses, but not such large areas. However, the petitioners may be permitted to continue cultivating the land, while ownership shall remain with the Government. Therefore, the District Collector is directed to consider the petitioners' application for the grant of a B-memo. Based on the B-memo, the petitioners may be allowed to use the land for cultivation purposes only.

5. Accordingly, the impugned order is quashed. The District Collector shall consider the request for issuance of a B-memo and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.



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6. With these directions, this Writ Petition is allowed . No costs

20.04.2026

(1/2)

Index : Yes / No
Internet : Yes
NCC : Yes / No
msrm

To

1. The District Collector,
Theni District,
Theni.
2. The Sub Collector,
Theni District,
Theni.
3. The Tahsildar,
Theni Taluk,
Theni District,
Theni
4. The Additional Government Pleader,
Madurai Bench of Madras High Court,
Madurai

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S.SRIMATHY, J

msrm

**Order made in
W.P.(MD)No.10895 of 2026**

**20.04.2026
(1/2)**