

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3875 of 2014

R.Rathinam

... Petitioner

Vs.

1.The District Collector
Villupuram District
Villupuram

2.The Tahsildar
Thirukovilur Taluk
Thirukovilur
Villupuram District

... Respondents

Prayer: Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose of the representation of the petitioner dated 13.06.2011 submitted before the 1st respondent.

For Petitioner : Mr.A.G.Rajan

For Respondents : Mr.S.Gunasekaran
Government Advocate

सत्यमेव जयते
O R D E R

Heard Mr.A.G.Rajan, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents.

2.The petitioner has filed this writ petition seeking for issuance of Writ of Mandamus directing the respondents to dispose of the representation of the petitioner dated 13.06.2011 submitted before the first respondent.

3.In the counter affidavit filed by the respondent, the following stand has been taken:

"6..... There is no proposal to issue patta in the name of any one in respect

of this land. In fact, on receipt of notice in this writ petition, a report was sought to be furnished by the Village Administrative Officer of Melananthal Village and accordingly, he submitted a report. In the report, it is stated that there is no proposal to issue patta for this land in favour of any one, much less Mrs.Mannammal and Mrs.Rani. The report further states that it is not as though the petitioner is not having any other land in his name. In fact, the petitioner is the owner of the land in Survey NO.108/2B and 108/6D bearing Patta No.444 measuring 17 ares (Copy enclosed). The petitioner is also owning the land in Survey No.108/2C measuring 32 ares covered under Patta No.622 (copy enclosed and report copy enclosed) issued in the name of M/s.Ramasamy Gounder and Rathinam Gounder (who is the petitioner herein). Therefore, as per the report of the Village Administrative Officer, the petitioner is in possession of patta lands and therefore, even under the scheme framed by the Government for allotment of free patta lands to landless labourer, the petitioner is disentitled for allotment of any land. As per the scheme, if the beneficiary is in possession of any lands in his name, he or she is disentitled for allotment of patta lands. At any rate, the apprehension of the petitioner in this writ petition that patta is likely to be issued in favour of Mrs.Mannammal and Mrs.Rani is unfounded and therefore, the writ petition deserves to be dismissed."

4.The apprehension of the petitioner that patta will be issued to two other persons has been denied in the counter affidavit as being un-founded and false. Therefore, the petitioner need not have any apprehension in that regard. So far as the claim of patta in favour of the petitioner, it is stated that the petitioner is the land owner and he is dis-entitled from any allotment. Therefore, no useful purpose will be served by giving direction to the respondent as sought for.

5.In the light of the above placing on record the averments made in paragraph 6 of the counter affidavit, this petition is disposed of. No costs.

Sd/-

Asst.Registrar (Lok adalat)

/true copy/

Sub Asst. Registrar

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To

1.The District Collector
Villupuram District
Villupuram

2.The Tahsildar
Thirukovilur Taluk
Thirukovilur
Villupuram District.

1 cc to Government Pleader, Sr. 9991

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