

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.31424 of 2013

B.Sakthivel

..Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai-600 009.

2.The District Collector,
Salem District, Salem.

3.The Revenue Divisional Officer,
Attur Division, Salem District.

4.The Tahsildar,
Attur Taluk, Salem District.

5.Kalaiselvi

6.Athayee

7.Poomalai Udaiyar

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the third respondent to cancel the patta No.1872 admeasuring 37 Cents standing in the name of Kalaiselvi W/o Velmurugan and Patta No.1873 admeasuring about 111 Cents standing in the name of Athayee W/o Muthuraj and admeasuring about 1.50 acres encroached by one Poomalai Udaiyar S/o Vellaiya Udaiyar comprising in Survey No.43/3, situated at Siruvachur Village, Attur Taluk, Salem District and consequently, direct the fourth respondent to reassign the land admeasuring about 2.98 acres comprising in S.No.43/3 in the name of the legal heir of original allottee namely Beeman alias Veeman as per assignment order passed in the year 1963.

For Petitioner

.. Mr.M.Rajendiran

For Respondents

.. Mr.P.Sanjay Gandhi,
Additional Government pleader for
R1 to R4
No appearance for R5 to R7

ORDER

The petitioner's father Beeman @ Veeman got allotment of the land in Survey No.43/3 measuring about 2 hectares 98 cents by the proceedings dated 10.03.1963 in A.M.No.846/72/10/ 03/1963. As he could not cultivate the land for several years and there was violation of the condition, the said assignment was cancelled by the proceedings of the fourth respondent in MU.MU.33605/89/B1 dated 25.04.1990. Later, the said Survey No.43/3 has been sub-divided and assignment has been given in favour of the private respondents viz., respondents 5 to 7. The petitioner's father died in the year 2009. Thereafter, the petitioner gave representation seeking assignment of the said land. On non-consideration of the same, the present writ petition has been filed.

2. The facts as narrated speak for themselves. The earlier assignment was cancelled in the year 1990 and the subsequent sub-division of Survey No.43/3 was made in favour of respondents 5 to 7 and patta was given in the year 2007. Thus, this Court does not find any merit in this writ petition and the same is dismissed. If the petitioner has any grievance, it is well open to him to approach the authorities concerned. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

raa
To

- 1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai-600 009.
- 2.The District Collector,
Salem District, Salem.
- 3.The Revenue Divisional Officer,
Attur Division, Salem District.
- 4.The Tahsildar,
Attur Taluk, Salem District.

- 1 cc to Mr. M.Rajendiran, Advocate Sr.No.47189
1 cc to Government Pleader.Sr.No.47300

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rsk(Co)
pmk.16.9.2015