



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.12.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.22039 of 2015

S.Anthony Rasaiya

... Petitioner

Vs.

1. The District Revenue Officer,
Tuticorin District.

2. The Revenue Divisional Officer,
O/o.the Revenue Divisional Office,
Turicorin.

3. The Tahsildar,
Taluk Office,
Tuticorin.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceeding in O.Mu.D3/29176/15, dated 22.09.2015 of the District Revenue Officer, the first respondent herein and quash the same and consequently direct the first respondent to conduct enquiry and pass orders on merits in accordance with law.

For Petitioner : Mr.S.Siva Thilakar
For Respondents : Mr.M.Murugan,
Government Advocate

ORDER

This Writ Petition is filed challenging the order of the first respondent, dated 22.09.2015 wherein and whereby the petitioner's claim for grant of patta was rejected in respect of the land in Survey No.191/1 measuring an extent of 1.05.0 hectare. The rejection was made by the first respondent on the reason that the said land is a Government poramboke land and therefore, request of the petitioner for grant of patta cannot be considered.

2. Perusal of the facts and circumstances of the case would show that the very same petitioner filed O.S.No.125 of 2012 on the file of the Principal District Munsif Court, Tuticorin, seeking for permanent injunction and also for mandatory injunction against the Revenue Officials and others. The mandatory injunction



sought for was to the effect that the Revenue Officials should be directed to issue patta in favour of the plaintiff therein, the petitioner herein. It is seen that the learned Principal District Munsif, by judgment and decree, dated 24.09.2013, decreed the suit in part and granted only the relief of permanent injunction restraining the defendants therein from interfering with the possession and enjoyment of the plaintiff's property. However, insofar as the other relief namely the mandatory injunction is concerned, the suit was dismissed. It is seen that the petitioner has not filed further appeal against the judgment and decree passed by the trial Court in refusing to grant other relief namely mandatory injunction.

3. When that being the factual position and also considering the fact that the subject land is a Government poramboke land, I find no reason to interfere with the order passed by the first respondent. Accordingly, the Writ Petition fails and the same is dismissed. No Costs.

Sd/-

Assistant Registrar (Per.Admn)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Tuticorin District.
2. The Revenue Divisional Officer,
O/o.the Revenue Divisional Office,
Turicorin.
3. The Tahsildar,
Taluk Office,
Tuticorin.

+ 1 CC TO MR.S.SIVA THILAGAR, ADVOCATE IN SR NO. 71452
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 70741

PM

TE/AMF/ : 21/12/2015 : 2P/6C

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