

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

W.P.No.4841 of 2014

K.N.Venkatesalu

..Petitioner

vs.

1. The District Collector
Krishnagiri.

2. The Tahsildar
Krishnagiri Taluk.

3. Government of Tamil Nadu
rep.by Special Commissioner and
Commissioner, Land Administration
Chepauk, Chennai 600 005.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the first respondent to consider the petitioner's representation dated 26.11.2012 and to pass necessary orders for issuance of patta in respect to the land comprised in Survey No.500/1 in Kodhikutlapalli Village of Krishnagiri Taluk measuring 2.87 acres or thereabouts.

For Petitioner : Mr.T.N.Murali Moghan

For Respondents : Mr.R.Ravichandran
Additional Government Pleader

ORDER

Heard.

2. This writ petition has been filed, praying that this Court may be pleased to issue a WRIT OF MANDAMUS, directing the first respondent to consider the representation of the petitioner, dated 26.11.2012, and to pass necessary orders for the issuance of patta, in the name of the petitioner, in respect of the land measuring an extent of 2.87 acres, comprised in Survey No.500/1, in Kodhikutlapalli Village, Krishnagiri Taluk.

3. The main contention of the learned counsel appearing on behalf of the petitioner is that, on the request of the petitioner, for the assignment of the land in question, in his favour, the authorities concerned had asked the petitioner to pay a sum of Rs.3,000/-. The petitioner had paid the entire amount, as directed by the second respondent. Even though the petitioner had paid the entire amount, as directed to be paid by him, for the assignment of the land in question, the respondents have not passed any order assigning the land in favour of the petitioner. In such circumstances, the petitioner has preferred the present writ petition, before this Court, under Article 226 of the Constitution of India.

4. A detailed counter affidavit has been filed on behalf of the second respondent, wherein, it has been stated that the Government had issued an order, in G.O.Ms.No.959, Revenue Department, dated 23.06.1987, directing the officials concerned, not to assign any land, which are classified as 'Grazing Ground Poramboke', or to issue patta in the name of any person for such lands. Therefore, the relief prayed for by the petitioner, in the present writ petition, cannot be granted. However, the learned counsel appearing on behalf of the respondents had submitted that the amount paid by the petitioner, if any, for the assignment of the land in question would be reimbursed to him, on the petitioner producing the necessary receipts for such payment, at the earliest possible.

5. In view of the fact that the State Government has issued an order in G.O.Ms.No.959, Revenue Department, dated 23.06.1987, prohibiting the issuance of patta, in respect of the 'Grazing Ground Poramboke', the relief prayed for by the petitioner, in the present writ petition, cannot be granted by this Court.

6. Accordingly, the writ petition stands dismissed. No costs.
vj2

-s/d-
सहायक न्यायते
Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Krishnagiri.
2. The Tahsildar
Krishnagiri Taluk.

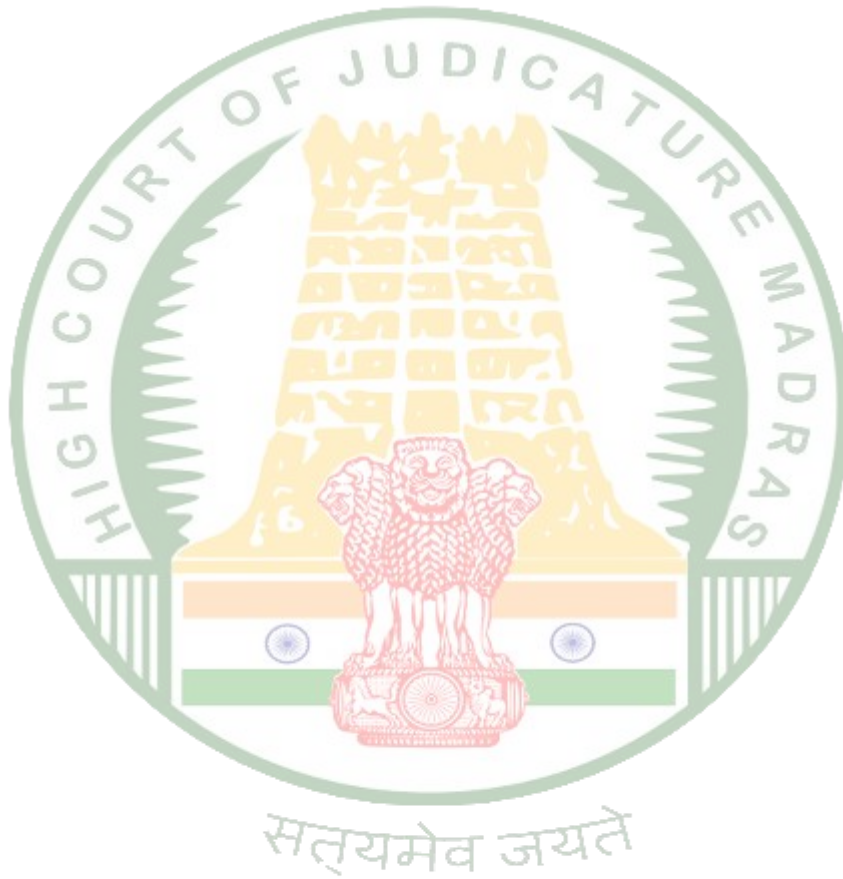
3. The Special Commissioner and
Commissioner, Land Administration
Government of Tamil Nadu
Chepauk, Chennai 600 005.

+ 1 cc to Govt.Pleader SR 41517

+ 1 cc to M/s.T.N.Murali Mogan, Advocate SR 40962

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