

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.09.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.14902 of 2013

Balu

.. Petitioner

Vs.

- 1.The Revenue Divisional Officer (R.D.O.),
Myladuthurai,
Nagapattinam District.
- 2.The Tahsildar,
Sirkali Taluk,
Nagapattinam District.
- 3.The District Collector,
Nagapattinam District.
- 4.Rishwanudheen

.. Respondents

Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 to 3 to conduct an enquiry and assign the land in S.No.399/18, old S.No.131/3, situated at Sirkali Taluk, Edakkudivadapathi-I, Vaidheswaran Town Panchayat, Nagapattinam District, to an extent of 00278 ares, within the time frame.

For Petitioner : Mr.S.Arokia Maniraj

For Respondent : Mr.V.Jayaprakash Narayanan,
Spl.G.P for RR1 to 3
A.Mohamed Ismail for R-4

सत्यमेव जयते

ORDER

Heard.

2 This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents 1 to 3 herein, to conduct an enquiry and assign the land, in S.No.399/18, Old S.No.131/3, situated in Edakkudivadapathi I village, Sirkazhi Taluk, Nagapattinam District, in his favour.

3 The petitioner had stated that he belongs to the Schedule Caste community. The land in question belongs to the Government, as seen from the relevant revenue records. However, the fourth respondent had taken illegal possession of the Natham land and he is in enjoyment of the same. In such circumstances, the petitioner had filed a civil suit, in O.S.No.193 of 2011, on the file of the District Munsif Court, Sirkazhi, praying for a decree that the petitioner should not be evicted from the land in question, without following the due process of law. The said suit is said to be pending disposal. It had also been stated that while so, the petitioner had requested the authorities concerned to assign the land in question, in his favour, as per the Government Order, in G.O.Ms.No.854, Revenue Department, dated 30.12.2006. Since the authorities concerned, the respondents 1 to 3 herein, have not acted on the representation made by the petitioner, on 18.2.2013, the petitioner has preferred the present writ petition, before this Court, under Article 226 of the Constitution of India.

4 The learned counsel appearing on behalf of the fourth respondent has stated that he had purchased the property in question, which is a private property. It is not a Natham land, as claimed by the petitioner. It has been further stated that the rent control proceedings had also been initiated against the petitioner, for evicting him from the land in question.

5 The learned counsel appearing on behalf of the respondents 1 to 3 had submitted that if the land in question is the Natham land (poramboke land), it is for the authorities concerned to take a decision, with regard to the assignment of the same, in the name of the deserving persons, as per the relevant provisions of law. However, in view of the disputes which had arisen between the petitioner and the fourth respondent, the question of assignment of the land in question, in favour of the petitioner, would not arise, at this stage.

6 In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on a perusal of the records available, this Court is of the considered view that the relief, prayed for by the petitioner in the present writ petition, cannot be granted, at this stage. It is noted that a civil suit had been filed by the petitioner, in O.S.No.193 of 2011, on the file of the District Munsif Court, Sirkazhi and the same is said to be pending disposal. It is also noted that the rent control proceedings have been initiated, by the fourth respondent, against the petitioner. In such

circumstances, this Court is of the considered view that it is not for this Court to grant any relief, prayed for by the petitioner. The writ petition filed by the petitioner is devoid of merit. Hence, the writ petition stands dismissed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Revenue Divisional Officer,
Myladuthurai,
Nagapattinam District.

2.The Tahsildar,
Sirkali Taluk,
Nagapattinam District.

3.The District Collector,
Nagapattinam District.

+1 cc to M/s.S.Arokiamaniraj,advocate,sr.55687

+1 cc to Mr.A.Mohamed Ismail,advocate,sr.56434

+1 cc to Government Pleader,sr.56091.

ct(co)
krd 11/11

W.P.No.14902 of 2013



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