



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition(MD)No.20904 of 2016

and

W.M.P(MD)No.14920 of 2016

J.Raja Jobdoss

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Ananthagiri,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

... Respondents

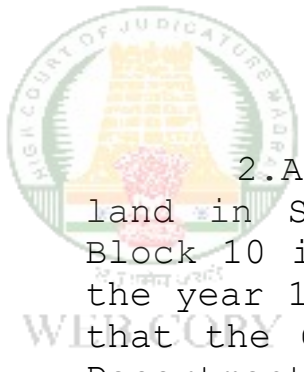
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.8606/2015/A2, dated 03.10.2016 on the file of respondent No.3 and quash the same as illegal and consequently directing the respondent Nos.1 to 3 to carry out necessary rectification in the revenue records pertaining to the petitioner's properties and consequently direct the respondent No.2 to grant patta to the petitioner for the lands in S.Nos.32 and 33 in Ward-C, Block 10, Kodaikanal Taluk, Dindigul District.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.V.Muruganandham
Additional Government Pleader

ORDER

The present Writ Petition is filed challenging the order, dated 03.10.2016 passed by the third respondent.



2. According to the petitioner, he is in possession of land in Survey Nos. 32 and 33 (Old Survey No. 45/1), Ward C, Block 10 in Kodaikanal Village to an extent of 7.41 cents from the year 1907 onwards. The sole contention of the petitioner is that the Government issued G.O. Ms. No. 854, Revenue (PERM) 1(2) Department, dated 30.12.2006, in which, a committee was constituted to recommend assignment of house sites to the persons, who are in occupation of the Government lands. Relying on the Government Order, the petitioner came out with the present Writ Petition for a direction.

3. The impugned order was passed by the third respondent and it clearly states that G.O. Ms. No. 854, Revenue (PERM) 1(2) Department, dated 30.12.2006, relied on by the petitioner is not in force.

4. The learned Additional Government Pleader appearing for the respondents represented that G.O. Ms. No. 854, Revenue (PERM) 1(2) Department, dated 30.12.2006, is not in force and therefore, the petitioner has no *locus standi* to claim any right based on the Government Order stated supra.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. This Court is of the opinion that the Government order, which is relied upon by the petitioner is not in force, the petitioner cannot have any right to claim property, more specifically, when it belongs to the Government. Such being the factual position, the petitioner fails to establish any semblance of right to claim the property in subject. Hence, the prayer sought in the present Writ Petition deserves no consideration and accordingly, this Writ petition is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar



ps
To

1.The District Collector,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Ananthagiri,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

+1CC to Mr.T.Lajapathi Roy, Advocate Sr.No.64802
+1CC to Spl.Government Pleader Sr.No.64945

GJM/CK/10.11.16-3p-6c

W.P (MD) No.20904 of 2016
01.11.2016