



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD)No.6243 of 2011

and

MP(MD)No.2 of 2011

1.A.Subbiah
2.T.Balaguru
3.Devaraj
4.Vetri Vendhan

: Petitioners

-vs-

1. The District Collector,
Theni District,
Theni.

2. The Revenue Divisional Officer,
Theni.

3. The Tashildar,
Aandipatti Taluk,
Theni District.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus, directing the respondents herein to issue patta to the petitioners for the land in S.No.1060, Kadamalai Kundru Village, Aandipatti Taluk, Theni District, by considering the representation of the petitioners, dated 12.04.2011.

For Petitioners : Mr.V.S.Kumaraguru

For Respondents : Mr.G.Muthukannan
Government Advocate

ORDER

The prayer sought for in this writ petition is to direct the respondents to issue patta to the petitioners for the lands in S.No.1060, Kadamalai Kundru Village, Aandipatti Taluk, Theni District, by considering the representation of the petitioners, dated 12.04.2011.

2.The petitioners would claim that their ancestors have been cultivating 12 Acres of land in Survey No.1060 at Kadamalai Kundru Village, for the past several years and they have been paying 'B' memo charges, so, they are entitled to have patta for the lands in their possession and hence, they made a joint representation on 12.04.2011 for grant of patta.



3.Mr.G.Muthukannan, learned Government Advocate, on instructions, would submit that the land in dispute is classified as 'Kundru' (Hill) and therefore, the petitioners are not entitled for patta for the lands in their possession. It is also submitted that the petitioners are not in possession of the entire area, as claimed in the writ petition.

4.In view of the above submission of the learned Government Advocate, this court is of the considered view that the petitioners have no legal right to seek patta for the lands in their possession.

5.In such view of the matter, the writ petition fails and accordingly, the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To,

1. The District Collector,
Theni District,
Theni.
2. The Revenue Divisional Officer,
Theni.
3. The Tashildar,
Aandipatti Taluk,
Theni District.

+1cc to Spl.Government Pleader Sr.No.73457

ER

VB/GT/SAR3/14/09/2017/2P/5C

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