

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2018

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.23872 of 2012

S.S.Gurusamy

.. Petitioner

Versus

1. The Tahsildar,  
Main Road, Bhavani Taluk.

2. The Collector,  
The Collectorate Building, Erode. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to issue a patta for the land bearing Survey No.471 B, measuring 60 cents at Pachampalayam Village, Bhavani Taluk, Erode District.

For Petitioner :: Mr.V.Raghavachari

For Respondents :: Mrs.S.Sri Jeyanthi,  
Special Government Pleader

O R D E R

The petitioner has filed the writ petition seeking a direction to issue a patta in the name of the petitioner for the land bearing Survey No.471 B, measuring 60 cents at Pachampalayam Village, Bhavani Taluk, Erode District.

2. The petitioner has stated that he is the owner of the lands in Survey No.471 A. These lands were adjacent to the land in Survey No.471 B. According to the petitioner, the District Revenue Administration acquired 12 cents of land in Survey No.207, to provide access to the veterinary hospital. Thereafter, according to the petitioner the Revenue Authorities transferred an area of 30 cents in Survey No.471 B, by proceedings dated 25.08.1985, recorded by the Village Administrative Officer.

It is stated that the petitioner had put up a superstructure and has been residing there. Thereafter, he claimed patta for the land. He claimed that compensation was not granted for the lands which had been acquired. Consequently, the writ petition has been filed for a Mandamus seeking issue of patta.

3. In the Counter affidavit filed by the Tahsildar, Bhavani, it had been stated that Survey No.471 with sub division No.1 to 5 of patta lands in patta Nos. 415, 542, 77 and 92 were in the names of Devada Gounder, Perumal Gounder, Irusa Gounder and Irusayee. It is stated that they were not poramboke lands. It was stated that there are no lands bearing Survey Nos.471 A and 471 B. It had also been stated that no land had been acquired from the petitioner at any point of time by the Government in the Revenue Department. There was also no evidence that he had made a representation for granting patta. It was specifically stated that no land of the petitioner in Survey No.208/2 of Pachampalayam Village was taken by the respondents. It is stated that the petitioner was in illegal occupation of 60 cents of land in Survey No.438/1, Pachampalayam Village, which is classified as Mandhai meant for grazing the cattles of the villagers

4. In view of these facts, I am not able to comprehend how patta can be granted or even a direction can be given for grant of patta to the petitioner. He is stated to be in illegal occupation of the Government land.

5. As a matter of fact there are no lands bearing Survey No. 471 A or 471 B in Pachampalayam Village, Bhavani Taluk. Consequently, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

msvm

To

1. The Tahsildar,  
Main Road, Bhavani Taluk.  
Erode District.
2. The District Collector,  
The Collectorate Building, Erode.

+1 CC TO GOVERNMENT PLEADER SR.NO. 78308

W.P.No.23872 of 2012

ASK(11/12/2018)