

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.3741 of 2011

MP.No.1 of 2011

P.Maheswaran

Petitioner

Vs

1.The District Collector, Nagapattinam

2.The Tahsildar, Nagapattinam

3.The Block Development Officer
Nagapattinam

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the Respondents to issue patta to the Petitioner's housing site (Grama Natham) situated at No.1/189B, Paravai, South Poigainallur, Nagapattinam Taluk and District.

For Petitioner : Mr.R.Sreedharan

For Respondents : Mr.M.Karthikeyan, AGP-RR1 and 2
Mr.K.Balasubramanian-R3

ORDER

The prayer in this Writ Petition is to direct the Respondents to issue patta to the Petitioner's housing site (Grama Natham) situated at No.1/189B, Paravai, South Poigainallur, Nagapattinam Taluk and District.P-1481 in favour of the Petitioner forthwith.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. According to the learned counsel for the Petitioner, the Petitioner had been in possession and enjoyment of the petition mentioned property for more than 13 years, by paying house tax and miscellaneous charges. While so, the 2nd Respondent, without any notice, had removed the thatched house put up by the Petitioner in the said property. Since the representation of the Petitioner made to the 2nd Respondent to

issue patta for the said property is not considered till date, this Writ Petition has been filed, seeking the relief as stated above.

4. On the other hand, according to the 3rd Respondent, the petition mentioned property, which is a Natham Poramboke and the Petitioner was evicted from the said property and therefore, the Petitioner has no legal right to seek for issuance of patta for the said property.

5. Admittedly, the petition mentioned property is a Natham Poramboke land. The Petitioner was also evicted from the said property pursuant to the proceedings initiated for regularisation of poramboke land. Therefore, the Petitioner has no right whatsoever, to seek for issuance of patta, as a matter of right. If at all the Petitioner can approach the concerned authority for appropriate relief.

6. Considering the above said facts and circumstances of the case and the submissions of the learned counsel on either side, this Writ Petition is dismissed, as devoid of merits. However, it is made clear that this order will not stand in the way of the Petitioner in seeking appropriate relief before the appropriate authority. No costs. Consequently, the connected MP is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Srsm

- 1.The District Collector, Nagapattinam
- 2.The Tahsildar, Nagapattinam
- 3.The Block Development Officer, Nagapattinam

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