

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. of 16164 of 2014
and
M.P.No.2 of 2014

N.Iyyanar

..Petitioner

Vs

1.The District Collector,
Villupuram District,
Villupuram.

2.Tahsildar,
Dindivanam Taluk Office,
Dindivanam.

3.The President,
Nedimozhiyanur Post,
Dindivanam Taluk,
Villupuram District.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, to quash the portion of the impugned proceedings of the second respondent in Na.Ka.Aa2/14008/13 dated 31.01.2014 and consequently direct the respondent to grant patta in favour of the petitioner to an extent of 0.21 acres in Survey No.50/5 and 0.18.5 acre in Survey No.50/7 at Nedimozhiyannur village.

For Petitioner :Mr.U.Venkatesan

For Respondents 1&2 :Mr.D.Raghu

For Respondent R3 :Mr.D.Kumaralingam

O R D E R

The report sent by the Tahsildar, Dindivanam to the District Collector, Villupuram in proceedings dated 31.01.2014 is under challenge in this writ petition. In view of the fact the said report was communicated to the petitioner, the petitioner has chosen to challenge the very report. The relief sought for in this writ petition is to quash the report submitted by the second respondent to the first respondent in proceedings dated 31.01.2014 and direct the respondent to grant patta in favour of the writ petitioner to an extent of 0.21 acres in survey No.50/5

and 0.18.5 acres in survey No.50/7 at Nedimozhiyanur village.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is a poor farmer and residing in Nedimozhiyannur village and put up a hut in survey No.227 and in possession and enjoyment of the house site to an extent of 4 cents at Nedimozhiyannur Revenue village.

3.The grievances of the writ petitioner is that no patta was granted in his name in spite of the fact that he is residing in the said land. The learned counsel for the petitioner states that the land now claimed by the writ petitioner is a waste land and he is cultivating. Therefore, the said land is to be allotted to him and the patta in respect of the said land also to be provided to the writ petitioner.

4.On a perusal of the impugned report submitted by the Tahsildar, Tindivanam on 31.01.2014, it is recorded that the people of that village are raising certain objections in respect of grant of patta to the writ petitioner. Thus, in the interest of the village people at large residing in that village the said waste land cannot be handed over to the writ petitioner. However, there is a resolution passed and the said report was communicated to the District Collector for further action.

5.This Court is of an opinion that granting patta in respect of poramboke land or waste land or any other land belongs to the Government, it is a policy decision to be taken at the government level and this court cannot examine in respect of grant of patta to an individual.

6.No writ can be entertained in respect of grant of patta. Even for getting patta for a land owned by the persons appropriate applications are to be filed under the Patta Passbook Act before the competent authority. In respect of the Government land, the Government has to take a decision to allot such lands in a particular manner without violating the provisions of law. This being the principles to be followed based on a representation this Court cannot issue any direction for grant of patta to the writ petitioner.

7.Further, the order under challenge is a report submitted by the Tahsildar, Dindivanam, to the District Collector, Villupuram and in the event of considering the case of all other similar persons located in the place, the case of the writ petitioner also to be considered along with all other eligible persons. It is not as if the writ petitioner can file a writ petition and secure a government land or otherwise a right in respect of public land cannot be conferred to single person. These decisions are taken in the larger interest by the state and if a state takes a decision for the benefit of certain poor people such policy to be granted uniformly in respect of all similar placed persons and without any discrimination. Thus, an

uniformity is required in the matter of granting patta in respect of Government Lands.

8.The person who has approached this court by challenging the order of the Tahsildar or the order of the District Collector or by filing a writ petition cannot secure a public land and such a move cannot be encouraged by this court. In this view of the matter, the writ petitioner has not made any case for the purpose of granting the relief as such sought for in this writ petition.

9.Further, the impugned report submitted by the Tahsildar, Dindivanam to the District Collector, Villupuram which will not constitute a cause of action for the purpose of moving the present writ petition. However, the writ petitioner has not established any legal right for the purpose of issuing direction as such sought for. Thus, there is no infirmity as such in respect of the report submitted by the Tahsildar and the report was submitted considering the larger interest of the people who are residing in that village and therefore, this court is not inclined to consider the case of the writ petitioner.

10.Accordingly, this writ petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

may a

To

1.The District Collector,
Villupuram District,
Villupuram.

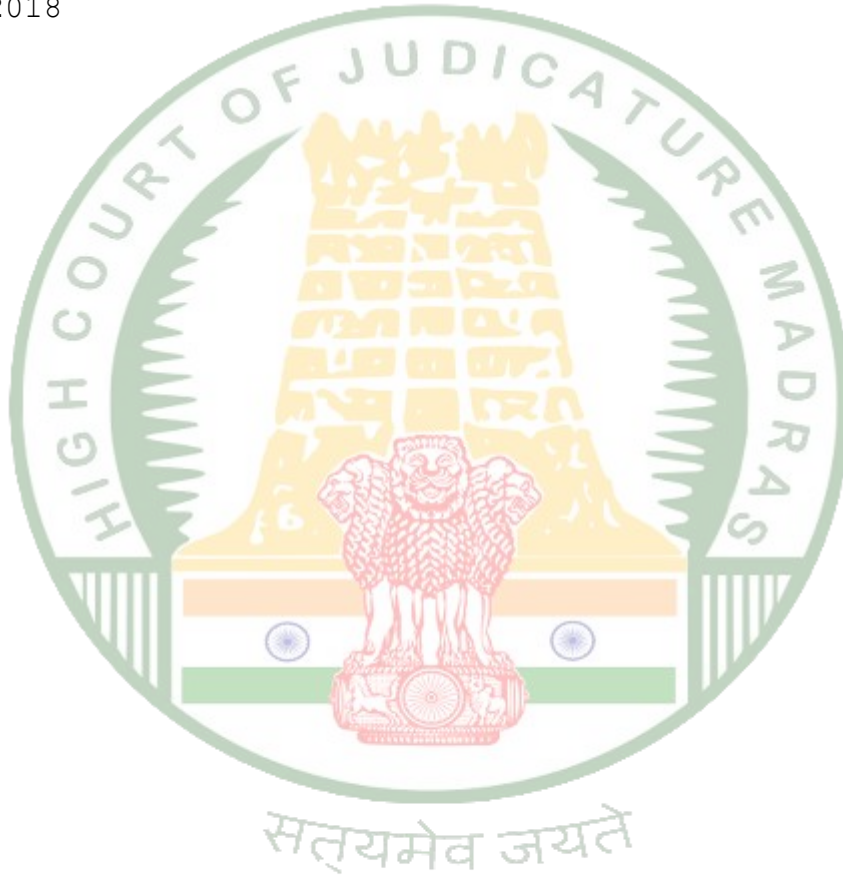
2.Tahsildar,
Dindivanam Taluk Office,
Dindivanam.

3.The President,
Nedimozhiyanur Post,
Dindivanam Taluk, Villupuram District.

+1cc to Mr.D.Kumaralingam, Advocate sr.no.30274
+1cc to government Pleader in sr.no.31220

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