



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.8972 of 2014

and

M.P. (MD)No.1 of 2014

Arukkaniammal

... Petitioner

-Vs-

1. The District Collector,
Collectorate Campus,
Karur District.

2. The District Revenue Officer,
Collectorate Campus,
Karur District, Karur.

3. The Revenue Divisional Officer,
Pradakshinam Road, Karur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.A4/430/2014 dated 05.04.2014 passed by the third respondent and quash the same and consequently, direct the third respondent to issue patta to the petitioner in Survey No.582/B2.

For Petitioner

: Mr.M.Bindran

For Respondents

: Mrs.J.Padmavathy Devi,
Special Government Pleader.

ORDER

The petitioner is challenging the order dated 05.04.2014 in Na.Ka.No.A4/430/2014 passed by the third respondent, rejecting the request of the petitioner for granting patta.

2.According to the petitioner, she and her predecessor are in possession and enjoyment of Government Poromboke land in Survey No.582/B2 in Thanthonimalai Village for more than 100 years. She has filed an application seeking patta for the said land before the respondents. However, the same had not been considered. Hence, the petitioner had filed a Writ petition in W.P.(MD) No.2837 of 2014 before this Court to consider her representation and this Court, by order dated 20.02.2014, directed the third respondent to consider the application of the petitioner and pass orders within a period of eight weeks. Subsequently, after conducting enquiry, the third respondent rejected the application of the petitioner by passing the present impugned order dated



05.04.2014 on the ground that the land in dispute is classified as College hostel in the revenue records. Apart from that the petitioner already granted with a free house site patta and the same was sold to third party by the petitioner. Challenging the above said impugned order, this Writ Petition has been filed.

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3.The 3rd respondent has filed a counter affidavit. In the counter affidavit, the third respondent stated that the land in question is Government Poromboke land and it was classified as College Hostel in the revenue records. On inspection conducted by the Village Administrative Officer, the petitioner is not in possession of the said land and she is not cultivating the land. Earlier, a free house site patta in S.F.No.933/17 has been granted to the petitioner and subsequently, she sold the said land to one Sivamani on 21.09.2010. Apart from that, the petitioner already filed a suit in O.S.No.119 of 2014 before the District Munsif Court, Karur, seeking permanent injunction, restraining the revenue authorities from interfering her peaceful possession and the said suit is still pending. According to the third respondent, the land is now required for construction of District Employment Office and other Government Welfare Centres and proposals have been sent to the Government, which is pending and hence, the claim of the petitioner for grant of patta cannot be considered.

4.I have heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on record carefully.

5.On a perusal of the materials available on record, it is seen that already a house site patta has been granted to her, subsequently, she sold the land to the third party, once again, she is asking patta to the above said land. The case of the respondents is that the petitioner is not in possession of the said land and it is kept as dry land and the Government also proposed to construct Employment Office and other Government Welfare Centres in the said land. Since already the house site patta has been granted to the petitioner and she sold the same to the third party, she is not entitled to get patta for the above said land. Therefore, the third respondent / Revenue Divisional Officer has rightly rejected the request of the petitioner and the Writ Petition is devoid of merits. Therefore, this Writ Petition is liable to be dismissed and accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(crl side)



To

1. The District Collector,
Collectorate Campus,
Karur District.

2. The District Revenue Officer,
Collectorate Campus,
Karur District, Karur.

3. The Revenue Divisional Officer,
Pradakshinam Road, Karur District.

+1cc to Mr. M.Bindran, Advocate Sr.No.41358

+1cc to The Spl.Government Pleader Sr.No.41455

MYR

VB/KKR/SAR4/24/01/2018/3P/6C

W.P (MD) No.8972 of 2014

08.01.2018