



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P (MD) No. 4321 of 2013

and

M.P (MD) Nos. 2 and 3 of 2013

P. Rajendran

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Commissioner,
Virudhunagar Municipality,
Virudhunagar.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari and Mandamus to call for the records relating to the impugned proceedings of the second respondent in O.Mu.No.7641/2012/A2, dated 29.06.2012 and quash the same and consequently, direct the respondents to consider the petitioner's representation dated 12.06.2012 in the light of the proceedings of the first respondent in DIGS-15759/46, dated 28.10.1946 within the stipulated time limit prescribed by this Court.

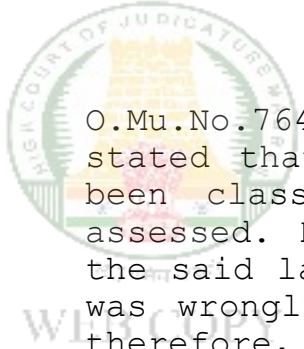
For Petitioner : Mr. M. S. Jeyakarthik

For Respondents : Mr. A. Muthukaruppan,
Additional Government Pleader for R.1
Mr. N. Dilip Kumar for R.2

ORDER

Challenging the proceedings of the second respondent, dated 29.06.2012, the petitioner is before this Court.

2. According to the petitioner, his father was in possession of the land in T.S.No.322/Part measuring to an extent of 1,123 sq. ft. As per the proceedings of the District Collector, dated 28.10.1946, the petitioner was licensed to use the said extent of land. When he approached the second respondent for assessing the land in his favour, on the death of his father, it was refused by the second respondent. By virtue of the impugned proceedings in



O.Mu.No.7641/2012/A2, dated 29.06.2012, the second respondent has stated that as per the revenue records, the land in question has been classified as poramboke land and therefore, it cannot be assessed. Hence, the petitioner made a representation stating that the said land is in continuous possession from the year 1945 and it was wrongly entered as poramboke land in the revenue records and therefore, it shall be assessed in his favour.

3. Controverting the facts projected by the petitioner, Mr.N.Dilip Kumar, learned Counsel for the second respondent would vehemently contend that even though the sketch said to have been issued by the second respondent, there is no proof of such proceedings and the petitioner has not filed any other substantive documents in this regard. As per the revenue records, the land is classified as poramboke land and therefore, the petitioner cannot claim any right over the same. Even assuming that the proceedings of the year 1945 are true, it is only a licence to enjoy the said land and the petitioner cannot claim any right over the property as it belongs to the Government.

4. Whereas Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the first respondent would submit that according to the report of the Revenue Inspector, the land in question is classified as Pattai in Adangal.

5. I have considered the rival contentions.

6. Admittedly, the petitioner is not the owner of the land in question. The land in question is classified as Government poramboke and the petitioner has not produced any document to show that he is in continuous possession of the land or his land is put to use for any other purpose. As of now, the said land is lying vacant.

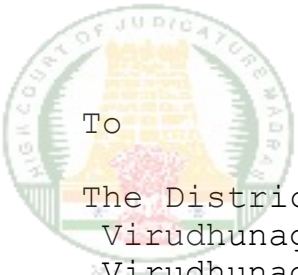
7. From the rival submissions, it could be inferred that the land in question should have been used as a pathway as classified in the revenue records. In such an event, the claim of the petitioner that it should be assessed in his favour, cannot be acceded to. Pattai which means a pathway and is accessible to the public, shall remain the same and the access of the petitioner along with others shall not be disturbed by the respondents. At the most, the second respondent will not disturb the access of the petitioner to his property, if the Pattai poramboke is the only access.

8. With the above observations, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/



To

The District Collector,
Virudhunagar District,
Virudhunagar.

+1cc to Mr.M.S.Jeyakarthik, Advocate, SR.No.66949.
+1cc to Mr.N.Dilip Kumar, Advocate, SR.No.67061.
+1cc to Special Government Pleader, SR.No.66945.

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rsb

RAM/SV MMS/SAR 3/29.06.2018/2P/5C