

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.07.2019
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
W.P.No.10793 of 2010
and
M.P.No.1 of 2010

D.Kaliyaperumal

..Petitioner

Vs

1.The District Collector,
Ariyalur District.

2.The Tahsildhar,
Jayamkondam,
Ariyalur District.

3.The Village Administrative Officer,
T.Chozhankurichi,
Udayarpalayam Taluk,
Ariyalur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of mandamus, forbearing the respondents from issuing patta to any person in respect of the lands comprised in S.No.23/2 measuring an extent of 2 Hectares and 41 Ares situated in T.Chozhankurichi Village, Udayarpalayam Taluk, Ariyalur District.

For Petitioner : Mr.K.Balu

For Respondents : Mr.B.Anand
Government Advocate

O R D E R

Heard Mr.K.Balu, learned counsel for the petitioner, Mr.B.Anand, learned Government Advocate for the respondents and perused the materials available on record.

2. The petitioner has come forward with this writ petition for issuance of writ of mandamus, forbearing the respondents from issuing patta to any person in respect of the lands comprised in S.No.23/2 measuring an extent of 2 Hectares and 41 Ares situated at T.Chozhankurichi Village, Udayarpalayam Taluk, Ariyalur District.

3. The petitioner would state that he is one of the villagers in T.Chozhankurichi Village, Udayarpalayam Taluk,

Ariyalur District and the land in question has been classified as 'Mandaiveli Poramboke', which has been used by the villagers for grazing cattle. The petitioner would allege that there was a proposal to classify the land and assigned in favour of the villagers and hence, the petitioner made a representation dated 10.05.2010 to the first respondent. Since it was not considered, the present writ petition.

4. In the counter affidavit filed by the second respondent, wherein, at paragraph No.5, it has been stated as follows :

" 5. Regarding averment put forth in para 2 and 3 of the affidavit. It is submitted that the S.F.No.23/2 an extent of 2.41.0 Hec., it is classified as Government Poramboke land and mentioned in remarks column is "Manthaiveli (grazing ground)" in village records. This land is Government Poramboke land remain as grazing ground used by the villagers without any disturbance. There is no action have been taken to transfer this land for some other purpose by others, without any prima facie the petitioner has wrongly presumed and filed a writ. Hence the contention of the petitioner is not true."

5. In the light of the counter referred above, no further adjudication is necessary in this writ petition. Accordingly, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ms

To

1.The District Collector,
Ariyalur District.

2.The Tahsildhar,
Jayamkondam,
Ariyalur District.

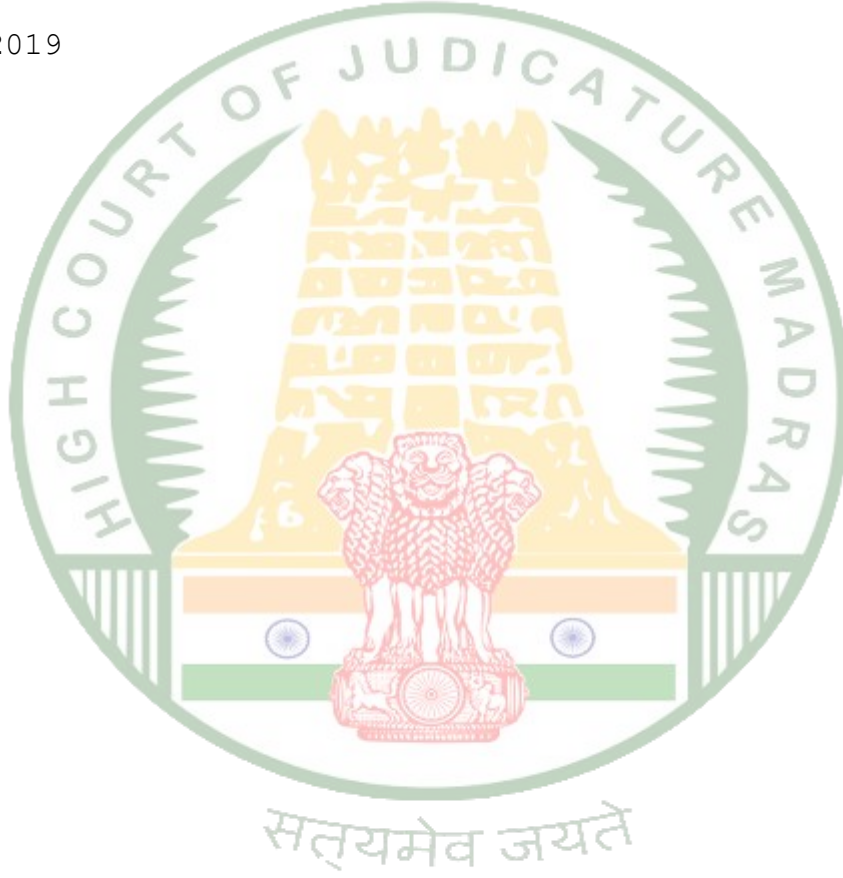
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3.The Village Administrative Officer,
T.Chozhankurichi,
Udayarpalayam Taluk,
Ariyalur District.

+lcc to Mr.K.Balu, Advocate sr.61064

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ks (co)
nr 18/09/2019



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