

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.32771 of 2013

P.Janaki

..Petitioner

Vs

1.The District Collector,
Villupuram District.

2.The Revenue Tahsildar,
Villupuram District - 605 602.

3.The Village Administrative Officer,
Thiruvamathur Post,
Villupuram District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of mandamus, directing the respondents to assign patta for an extent of 1 Acre 30 Cents in favour of the petitioner.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.B.Anand
Government Advocate

ORDER

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

2. This writ petition has been filed for issuance of writ of mandamus directing the respondents to assign patta to an extent of 1 Acre 30 Cents in favour of the petitioner.

3. According to the petitioner, her husband is a handicapped person and she is having two sons and her second son died ten years ago leaving behind his wife and two sons. The petitioner would claim that she along with her family cultivating the Government land measuring 1 Acre and 30 cents for the past 40 years and her representation dated 16.10.2013 seeking assignment patta was not considered. Hence, the present writ petition.

4. The learned Government Advocate would submit that the petitioner seeks issuance of patta in S.No.122 to an extent of 0.52.5 Ares, which has been classified as Thoppu Poromboke. The petitioner has encroached the above Government land and cultivated paddy and other crops and now, they are engaged in manufacturing bricks.

5. It is further submitted that the land belongs to Rural Development Department and it requires for future development activities and hence, the Block Development Officer has objected for issuance of patta in favour of the petitioner. The learned Government Advocate also produced a copy of the letter dated 21.06.2016 of the Tahsildar, Villupuram.

6. In the case on hand, it is not in dispute that the petitioner seeks issuance of patta for the land, which has been classified as Thoppu Poromboke. According to the respondents, the land requires for future developmental activities. The petitioner has not established any legal right for seeking the relief sought for in this writ petition. It is settled principle that without any legal right, no writ petition for issuance of mandamus is maintainable.

7. Taking note of the above facts, this Court is of the opinion that, the writ petition has no merits and the same is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector, Villupuram District.
- 2.The Revenue Tahsildar, Villupuram District - 605 602.
- 3.The Village Administrative Officer,
Thiruvamathur Post, Villupuram District.

+1 cc to M/s.Kaviveerappan, Advocate Sr.No. 58748
+1cc to The Government Pleader, Sr.No.58571

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AKM/ 27.08.19/2P-6C /