

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :18.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.18722 of 2019

Murugesh

.. Petitioner

/versus/

1.The District Collector,
Collectorate Buildings,
Erode.

2.The Revenue Divisional Officer,
Katchery Street,
Gobichettipalayam,
Erode District.

3.The Tahsildar,
Taluk office,
Sathyamangalam.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing to the respondents to grant patta to the petitioner in S.F.No.358/1 in Panayampalli village, Sathyamangalam Taluk, Erode District.

For Petitioner :Mr.R.Vijayan

For Respondents :Mr.J.Purushothaman,
GA for R1 to R3

O R D E R

This Writ Petition has been filed seeking Mandamus directing to the respondents to grant patta to the petitioner in S.F.No.358/1 in Panayampalli village, Sathyamangalam Taluk, Erode District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 to 3.

3.The perusal of the affidavit along with the petition indicates that the petitioner and his ancestral were in

possession and enjoyment of the property in S.No.358, Sathyamangalam Taluk, Erode District for more than 30 years. In south of the said land there is a poromboke land, which is to an extent of 0.20.0 hectares and the said land is subdivided as 358/1, which was in enjoyment of the petitioner's family. The petitioner gave a representation to the third respondent to grant patta in respect of 0.20.0 hectares lying in R.S.No.358/1. The third respondent has also positively considered the representation and directed the petitioner to pay the sale price of the said land. The petitioner sought time to pay the sale price. While so, the petitioner on 10.06.2019 requested the respondents to grant patta in respect of 0.20.0 hectares in R.S.No.358/1, which is under the possession and enjoyment of the petitioner for the past 30 years. But, the respondents have not replied. Hence, the present writ petition has been filed for the aforesaid prayer.

4. In the counter, the third respondent has stated that the land in R.S.No.358/1 with a total extent of 1.94.00 hectares is classified as waste land. Government proposed to hand over the land to Slum Clearance Board for constructing the Slum Clearance Tenements. Insofar as 0.20.0 hectares of land for which the petitioner seeking patta fall under the proposed pathway in the scheme. As per the construction plan of the Tamil Nadu Slum Clearance Tenements, the said pathway with breadth of 7.20 metres will be used commonly by the general people including the petitioner. Therefore, through the pathway the petitioner and other land owners abutting to the land in R.S.358/1 will have access.

5. In view of the above statement of the third respondent, this Court finds that the request of the petitioner seeking patta for the part of the land in R.S.No.358/1 cannot be considered. At the same time, the petitioner being assured of his right of way his land through the proposed pathway, this Court finds that the petitioner can have no grievance.

6. Recording the proposal of the Government and assurance, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
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Erode District.

3.The Tahsildar,
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+1 CC to Mr.R.Vijayan, Advocate sr 95416

+1 CC to The Govt. Pleader sr 96031.

W.P.No.18722 of 2019

NMI (CO)

SP(02/12/2019)