

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2019

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THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29306 of 2018
and W.M.P.No.34259 of 2018

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.. Petitioner

Vs.

1. The District Collector,
Krishnagiri.

2. The District Revenue Officer,
Krishnagiri.

3. The Thasildar, Pochampalli,
Krishnagiri District.

.. Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 3rd respondent to permit the petitioner to utilize the water from the Government land in S.No.502/1 to the extent of 0.40.0 acre and in S.No.503/1 to the extent of 0.20 acres for agriculture purpose situated at Kollakottai Village, Pochampalli Taluk, Krishnagiri District.

For Petitioner : Mr.M.Balaji

For Respondents : Mr.S.Soundararajan
Government Advocate

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Mandamus to direct the 3rd respondent to permit the petitioner to utilize the water from the Government land in S.No.502/1 to the extent of 0.40.0 acre and in S.No.503/1 to the extent of 0.20 acres for agriculture purpose, situated at Kollakottai Village, Pochampalli Taluk, Krishnagiri District.

2. According to the petitioner, she applied for patta under the scheme of "Government Assignment Patta" and the same is yet to be considered. The petitioner has been taking water

from the adjacent land. It is stated that the 3rd respondent/Tahsildar, Pochampalli, has prevented the petitioner from taking water from the well. Hence, the petitioner has constrained to move this Writ Petition seeking permission to derive water from the Government land in S.Nos.502/1 and 503/1.

3. Heard Mr.S.Soundararajan, learned Government Advocate appearing for the respondents.

4. The counter affidavit filed by the 3rd respondent has been adopted by the 1st and 2nd respondents stating that an application of the petitioner for assignment of patta is not possible and the same was already communicated to the petitioner and the petitioner cannot be issued patta as the lands come under "objectionable poramboke (Meichal Tharai) grazing ground". It is also stated in the counter that the District Judge had presented an application for allocation of land for construction of District Munsif-cum-Judicial Magistrate Court, and Quarters, based on which, the Government has passed an order vide G.O.No.215, dated 05.06.2015 allotting the said land for the purpose of construction of Court.

5. In the above conspectus facts, the request of the petitioner cannot be considered. The petitioner neither being an owner of the adjacent property nor having right in the well situated in S.Nos.502/1 and 503/1, has no iota of any right. Hence, the request of the petitioner cannot be entertained and the same is dismissed.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is clsoed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The District Collector,
Krishnagiri.

2. The District Revenue Officer,
Krishnagiri.

3. The Thasildar, Pochampalli,
Krishnagiri District.

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RSI (CO)
GMV (12/02/2019)



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