



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.7144 of 2013
and M.P. (MD).No.1 of 2013

1.Raman (Died)
2.Murugaiyee
3.Prabhakaran
4.Nathiya
5.Gowsilya

.. Petitioners

(Petitioners 2 to 5 were impleaded as legal heirs of the deceased first petitioner as per the order passed in W.M.P.(MD).No.1556 of 2017, dated 03.12.2019)

Vs.

The Tahsildar,
Vedasandur Taluk Office,
Vedasandu,
Dindigul District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order, dated 04.03.2013 in Na.Ka.No.19065/12/A5 passed by the respondent and quash the same and consequently direct the respondent to issue the patta to the petitioner in respect of the above lands situated in S.No.2464/7 and 2464/9 situated at Palayam Village, Vedasandur Taluk, Dindigul District.

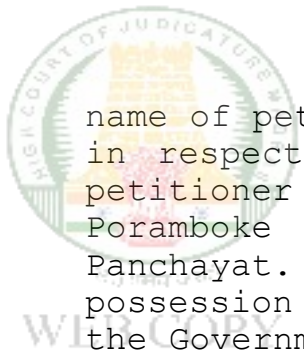
For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

This writ petition is filed to quash the impugned order dated 04.03.2013 and to issue patta to the petitioner in respect of the land situated in S.Nos.2464/7 and 2464/9 situated at Palayam Village, Vedasandur Taluk, Dindigul District.

2.The first petitioner states that he is the absolute owner of the property in S.Nos.2464/12 wherein he has put up a house and residing there with his family for more than 30 years. It is not in dispute that the petitioner has applied for patta for said property in S.No.2464/12 stands in the



name of petitioner. However, the petitioner has claimed house patta in respect of a poramboke land in S.Nos.2464/7 and 2464/9. The petitioner states that the property is classified as Natham Poramboke and it does not belong to Government nor the Village Panchayat. It is contended by the petitioner that he is in possession for more than 10 years and entitled to get patta as per the Government orders. The request of the petitioner earlier before the respondent was considered and rejected by the Tahsildar by the impugned order. In the impugned order, it is stated that the petitioner's father and petitioner's uncle were given patta in respect of 0.00.54 hectares. Since the property in S.Nos.2464/7 and 2464/9 are not in the enjoyment of the petitioner and there are objections from the public for issuing patta in favour of the petitioner, the request of the petitioner for granting house site patta was rejected by the respondent. Challenging the said order, the writ petition is filed.

3.The claim for patta is based on the petitioner's possession over the house plot. The petitioner's father and his paternal uncle were given house site patta long back recognizing their possession and construction of house therein. The petitioner's possession and enjoyment over the land in two plots in S.Nos.2464/7 and 2464/9 are in dispute and the Tahsildar has specifically recorded a finding that the property is not in enjoyment of the petitioner by putting up construction. Though the petitioner says that the two house plots are adjacent to the plot in which the petitioners are residing and patta for the same had already been issued, no material is produced to show that the petitioner is in enjoyment of the plots in S.Nos.2464/7 and 2464/9.

4.Having regard to the factual background, this Court is not inclined to entertain the writ petition as the petitioner's claim for house patta is not sustainable. In the counter affidavit, it is further stated that the public have serious objections for granting of patta in favour of the petitioner. It is stated in the order that the petitioner is not in enjoyment of land, for which patta is claimed. Since the petitioner's father had already been granted patta, there is no scope for entertaining the plea that the petitioner's request should be considered in the light of Government Orders. Hence, this writ petition is devoid of merits.

5.This writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl side)

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/ /2020

Sub Assistant Registrar(CS)



To

The Tahsildar,
Vedasandur Taluk Office,
Vedasandu,
Dindigul District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-103183[F] dated
03/12/2019)

W.P. (MD).No.7144 of 2013
03.12.2019

scr (CO)
TR (20.01.2020) 3P 3C