



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2019

WEB COPY

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.15291 of 2019

A.M.Raja

... Petitioner

-Vs-

1.The District Collector,
Theni District, Theni.

2.The Sub Collector,
Collectorate Compound,
Theni District, Theni.

3.The Tahsildar,
Taluk Office,
Uthamapalayam,
Theni District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents herein to issue patta to the petitioner's house property bearing Survey No.1986, Ward No.13 L.F. Road, situate at Thammanampatti, Gudalur, Uthamapalayam Taluk, Theni District on the light of the petitioners last representation dated 28.06.2019 within stipulated time framed by this Court.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.M.Rajarajan, G.A. for RR1 to 3

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents herein to issue patta to the petitioner's house property bearing Survey No.1986, Ward No.13 L.F. Road, situate at Thammanampatti, Gudalur, Uthamapalayam Taluk, Theni District in the light of the petitioners last representation dated 28.06.2019 within stipulated time framed by this Court.

<https://hcservices.ecourts.gov.in/hcservices> 2. Heard Mr. A.Saravanan, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.



3. With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4. The petitioner, admittedly, has been in possession of a Government poramboke land and he claimed possession of 20 years in the said land and in that capacity, he seeks patta by way of making representation to the respondents dated 28.06.2019. Therefore, the learned counsel appearing for the petitioner wants disposal of the said representation.

5. I have heard the learned Government Advocate appearing for the respondents, who would submit that, the said claim made by the petitioner cannot be accepted. Assuming that they have been in possession of the Government land, ipso facto that would not make entitle the petitioner to seek patta and no one can claim patta in the Government land, merely because, they have been in occupation of the Government land by way of encroachment.

6. The said stand taken by the respondents is to be accepted and in that view of the matter, this Court is inclined to dispose of this writ petition, with the following direction:

"The respondents shall consider the representation of the petitioner dated 28.06.2019 and pass orders thereon, on merits and in accordance with law. It is made clear that this direction has not been issued after accepting the case of the petitioner for any entitlement to seek patta by the petitioner and in this regard, it is open to the respondents to decide the same on merits and in fact, if the respondents decide to reject the same, it is for them to do the same by giving reasons, but, anyhow, final orders shall be made, within a period of six weeks from the date of receipt of a copy of this order."

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
<https://hcservices.ecourts.gov.in/hcservices/>
Theni District, Theni.



2.The Sub Collector,
Collectorate Compound,
Theni District, Theni.

3.The Tahsildar,
Taluk Office,
Uthamapalayam,
Theni District.

+1 CC to M/s.A.SARAVANAN, Advocate (SR-74121[F] dated 09/07/2019)

+1 CC to M/s.SPL GP (SR-74236[F] dated 09/07/2019)

W.P. (MD) No.15291 of 2019
08.07.2019

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