



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.16946 of 2019

M.Parvathi

... Petitioner

-Vs-

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to issue patta in Survey No.1620, situated in Sengurichi Village, Dindigul East, Dindigul District to consider and based on her representation dated 28.08.2017, within a period that may be fixed by this Court.

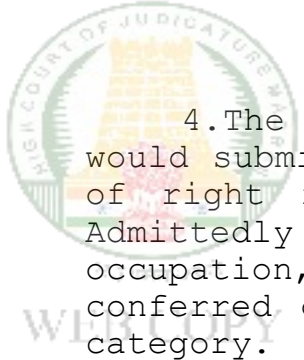
For Petitioner : Mr.M.Rajendran
For Respondents : Mr.V.Anand
Government Advocate

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondents to issue patta at Survey No.1620, situated in Sengurichi Village, Dindigul East, Dindigul District, based on her representation, dated 28.08.2017, within a time to be stipulated by this Court.

2.Heard Mr.M.Rajendran, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents.

3.The petitioner claimed to have been in occupation of the particular land at Survey No.1620 situated in Sengurichi Village, Dindigul East, Dindigul District and in this regard, she made an application on 28.08.2017 to the respondents for giving patta under the landless poor category and hence, the learned counsel appearing for the petitioner submitted that, if the said application made by the petitioner, dated 28.08.2017 is decided and order to that effect on merits is passed by the respondents, within a time, the petitioner would be satisfied.



4. The learned Government Advocate appearing for the respondents would submit that, the petitioner cannot seek any patta as a matter of right for the land, which claimed to be in her occupation. Admittedly the land, where the petitioner claimed to be in occupation, is the poramboke land, hence, no right has been conferred on the petitioner to seek patta under the landless poor category. If at all, the petitioner is the landless poor and based on which, she made an application on 28.08.2017 to the revenue authorities ie., the respondents herein, the same would be considered by the respondents on merits and needs basis, depending upon the availability of the Government land for the purpose of giving to landless poor by way of free patta and accordingly, the said application of the petitioner would be decided on merits.

5. I have considered the said submissions made by both sides and having regard to the said submission made by the learned Government Advocate, this Court is inclined to dispose of this writ petition with the following directions:-

"that the respondents are hereby directed to consider the petitioner's representation, dated 28.08.2017 for issuance of free patta/assignment under landless poor category and decide the same, on merits and in accordance with law; while deciding the same, it is open to the respondents to decide that whether the petitioner is entitled to get free patta/assignment under landless poor category and if so and the respondents feel that there is a Government land available in the nearby locality, where the petitioner seeks for such patta, the same can also be considered. Therefore, it is made clear that the petitioner is not entitled to get patta for the Government poramboke, where she has been in occupation for some years as a matter of right. The aforesaid exercise shall be undertaken and final order shall be passed by the respondents, within a period of eight weeks from the date of receipt of a copy of this order."

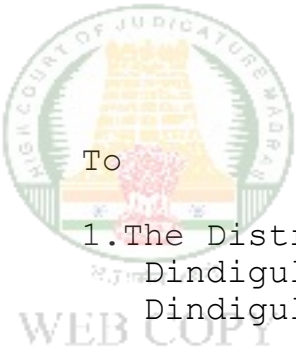
6. With the above observations and directions, this Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar



To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

+1 CC to M/s.M.RAJENDRAN, Advocate (SR-78962[F] dated 31/07/2019)

+1 CC to M/s.SPL GP (SR-79275[F] dated 01/08/2019)

W.P. (MD) No.16946 of 2019
31.07.2019

rmk

MS/09.09.2019/3P.5C