



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.08.2019
CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18156 of 2019

P.Krishnan

... Petitioner

-Vs-

1.The District Collector ,
District Collector Office,
Madurai District.

2.The Tahsildar,
Usilampatti Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the 2nd respondent to consider and dispose the petitioner's representation dated 29.07.2019, which relating to issuance of patta to the petitioner's house in the Survey No.47 and taxation number 596 of V.Kallupatti Panjayat, V.Kallupatti Village, Vadukapatti Post, Usilampatti Taluk, Madurai District to the extent of 2 cents, within stipulated time fixed by this Court.

For Petitioner : Mr.S.Ayyanar Prem Kumar

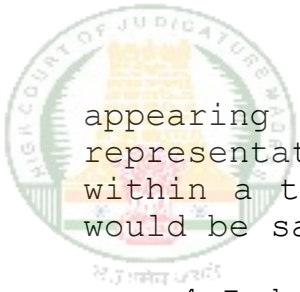
For Respondents : Mr.M.Rajarajan, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the 2nd respondent to consider and dispose the petitioner's representation dated 29.07.2019, which relating to issuance of patta to the petitioner's house in the Survey No.47 and taxation number 596 of V.Kallupatti Panjayat, V.Kallupatti Village, Vadukapatti Post, Usilampatti Taluk, Madurai District to the extent of 2 cents, within stipulated time fixed by this Court.

2.Heard Mr.S.Ayyanar Prem Kumar, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.

3.The petitioner, in order to get patta in a house property in Survey No.47 at V.Kallupatti Panjayat, V.Kallupatti Village, Vadukapatti Post, Usilampatti Taluk, Madurai District, to the extent of 2 cents, made a representation to the respondents, especially, the 2nd respondent on 29.07.2019. Hence, the learned counsel



appearing for the petitioner would submit that, if the said representation is decided on merits and in accordance with law, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

4.I have heard the learned Government Advocate appearing for the respondents, who would submit that, since the land in question, where the petitioner seeks patta, is a government poramboke land and therefore, as a matter of right he cannot claim anything. However, since he had given representation, the same would be considered and orders would be passed.

5.Having regard to the said said submissions made by both sides, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

"The respondents, especially, the 2nd respondent is hereby directed to consider the representation of the petitioner dated 29.07.2019 and pass orders thereon, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

It is made clear that since the land in question is admittedly a poramboke land, the petitioner as a matter of right cannot seek any patta. Therefore, it is for the respondents, especially, the 2nd respondent to take a decision as to whether the land in question can be granted by way of house patta to the petitioner under the landless poor category. Otherwise, it is open to the 2nd respondent to reject the claim of the petitioner on merits also."

6.With the above observation and direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Arul

To

1.The District Collector ,
District Collector Office,

<https://hcservices.ecourts.gov.in/hcservices/>
Madurai District.



2.The Tahsildar,
Usilampatti Taluk,
Madurai District.

+1 CC to Mr.S. AYYANAR PREM KUMAR, Advocate (SR-82777[F] dated
21/08/2019)

+1 CC to SPL GP (SR-83186[F] dated 22/08/2019)

Order made in
W.P. (MD) No.18156 of 2019
Dated:**21.08.2019**

MK (19.12.2019) 3P 5C