



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.11.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P(MD)No.23082 of 2019

G.Sangaiya

... Petitioner/Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The Tahsildar,
Kariyapatti,
Virudhunagar District.

4.The Inspector of Police,
Kariyapatty Police Station,
Kariyapatty Taluk,
Virudhunagar District.

... Respondents/ Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 31.10.2017 within a time frame limit to pass orders by perusing all the documents submitted on the petitioner side.

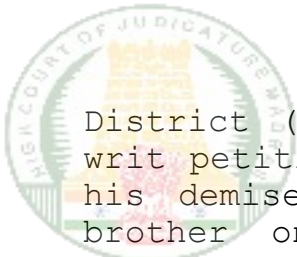
For Petitioner	: Mr.R.Babu Jaganath
For Respondents	: Mr.B.Bhagawathi Government Advocate

ORDER

Mr.R.Babu Jaganath, learned counsel on record for writ petitioner and Mr.B.Bhagawathi, learned Government Advocate who accepts notice on behalf of all four respondents are before this Court.

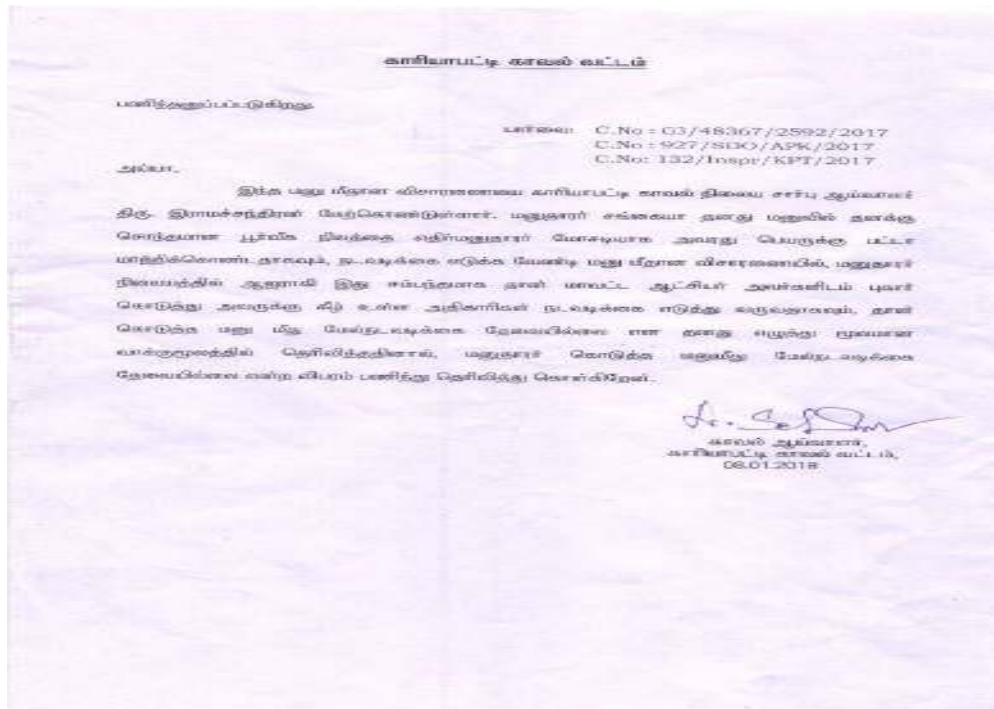
2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. Short facts shorn of necessary details or in other words factual matrix imperative for appreciating this order is that subject matter of instant writ petition is land admeasuring an extent of 0.97.00 Hectares or thereabouts comprised in Survey No.61/4 in Esalimadai Village, Kariyapatty Taluk, Virudhunagar



District (hereinafter 'said land' for brevity); that according to writ petitioner said land was in possession of his father and after his demise, it is in the possession of writ petitioner and his brother one Mookaiah; that according to writ petitioner, one Karuppasamy (S/o Koolan) of the same village, ie., Esalimadai Village, had obtained patta for said land being patta No.114 by acting in deceit with the Village Administrative Officer one Boomi; that writ petitioner had sent a representation dated 31.10.2017 to the District Collector and other Revenue officials/police officials and the Village Administrative Officer Boomi seeking action against said Karuppasamy (hereinafter 'said complaint' for brevity); alleging inaction qua said complaint, instant writ petition has been filed.

4. Learned State Counsel, who has accepted notice on behalf of all four respondents submits two points for consideration of this Court. One point is even according to the typed set of papers placed before this Court by writ petitioner, said land has been classified as ' அனாதீனம் ' (page No.4 of the typed set of papers of the writ petitioner forming part of case file). On this basis, learned State Counsel points that even according to writ petitioner, said land vests in the Government. Second point which the learned State Counsel points out is on instructions from the Sub-Inspector of Police from jurisdictional police station qua said land ie., Kariyapatti Police Station, who is present in Court. That second point is, writ petitioner had earlier given a criminal complaint, but had subsequently given in writing that no further action is required and had submitted that he will pursue the matter before the District Collector. Written instructions from fourth respondent is as follows:





5. Having considered the submissions on both sides, this Court is of the considered view that this writ petition is bereft of merits. The reason is, even in said complaint which is placed before this Court at page Nos.6 to 8 of the typed set of papers forming part of the case file, writ petitioner does not say what is his legal right qua said land. Furthermore as rightly pointed out by learned State Counsel, even according to the typed set of papers of writ petitioner, said land has been classified as ' அனாதீனம் ' as per revenue classification. There cannot be any legal right qua ' அனாதீனம் ' land. The writ is one for mandamus and law is well settled commencing from the case in **Praga Tools Corporation Vs. Imanuel and others [AIR 1969 SC 1306]**, that the writ petitioner should have a legal right to seek mandamus.

6. Be that as it may, said complaint of writ petitioner shall be considered as an information or in other words, writ petitioner shall be treated as an informant, the first respondent shall enquire into the matter as the allegation is said land which is ' அனாதீனம் ' has been frittered away by way of issue of patta to an individual by name Karuppasamy. If the writ petitioner cannot stake a claim, equally any other individual also cannot stake a claim for the land that vests in the Government ie., ' அனாதீனம் ' land. Therefore the first respondent will do well to consider the said complaint *dehors* any rights for the writ petitioner treating the writ petitioner merely as an informant. If there is any truth in the allegations contained in said complaint, first respondent shall take action as expeditiously as possible to ensure that Government ' அனாதீனம் ' land is retrieved from private individuals. This exercise shall be completed by the first respondent as expeditiously as possible and in any event within a period of twelve (12) weeks from the date of receipt of a copy of this order. Though obvious it is made clear that the first respondent shall enquire into the complaint on its own merits, in accordance with law and proceed in this matter.

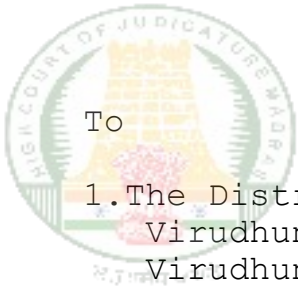
7. Writ Petition is dismissed albeit with the aforesaid observations/positive directive to first respondent. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The Tahsildar,
Kariyapatti,
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4.The Inspector of Police,
Kariyapatty Police Station,
Kariyapatty Taluk,
Virudhunagar District.

+1 CC to Mr.R.BABU JAGANATH, Advocate (SR-96068[F]dated 05/11/2019)

+1 CC to SPL GP (SR-96098[F] dated 05/11/2019)

W.P(MD)No.23082 of 2019
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