



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.11.2019**

CORAM:

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

W.P(MD)No.23026 of 2019

WEB COPY
Ramasamy

... Petitioner

Vs.

1.The Land Administration Commissioner,
Land Administration Commissioner Office,
Chepauk, Chennai-5.

2.The District Collector,
O/o District Collectorate,
Dindigul District.

3.The Revenue Divisional Officer,
O/o Revenue Divisional Office,
Dindigul District,
Dindigul.

4.The Tahsildar,
Aathur Taluk Office,
Dindigul District.

5.The Block Development Officer,
O/o Block Development Office,
Aathur, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to issue patta to the petitioner favour in respect of the land in survey No.165/1 situated at Narasingampuram Village, Aathur Taluk, Dindigul District, based on the petitioner representation dated 30.08.2019.

For Petitioner : Mr.J.Manikandan
for Mr.V.Karuna

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader
for R.1 to R.4
: Mr.K.MU.Muthu
Additional Government Pleader
for R.5



ORDER

Mr.J.Manikandan, learned counsel on record for writ petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 to 4 and Mr.K.MU.Muthu, learned Additional Government Pleader, who accepts notice on behalf of fifth respondent are before this Court.

2. With consent of all the learned counsel, main writ petition is taken up, heard out and is being disposed of.

3. It is the case of the writ petitioner that he has occupied Government land, which is classified as ' அனாதீனம் ' in S.No.165/1 in Narasingampuram, Aathur Taluk, Dindigul District (hereinafter 'said land' for brevity). Stating that he has occupied said land 50 years ago, writ petitioner has now made a plea for issue of patta for said land vide representation dated 30.08.2019 (hereinafter 'said representation'), which has been sent to various revenue / State authorities including District Collector. The District Collector has forwarded said representation to the jurisdictional Tahsildar (fourth respondent).

4. What is of importance and significance is, in the said representation it is mentioned that there are rules and provisions available under Revenue Statute for issue of patta for said Government land ie., ' அனாதீனம் ' land. The entire writ petition is predicated on said representation and on the ground that writ petitioner occupied Government land 50 years ago. Notwithstanding said averment in the said representation, learned Counsel for writ petitioner is unable to show any provision of law or any Revenue Standing Order or Board Standing Order (RSO/BSO for brevity) in this regard. To be noted writ petitioner is not able to show any executive order ie., Government Order in this regard which says that patta can be given for Government ' அனாதீனம் ' land.

5. Learned State Counsel who have accepted notice on instructions submit that the extent of said land is 2 Acres. Learned State Counsel submit that there is no provision under the Revenue Statute or in RSO/BSO in this regard. It is also pointed out by learned State Counsel that the extent of said land is large besides there being no provision to grant patta to the writ petitioner. On the contrary, this Court is informed that removal of encroachment proceedings qua said land are in the anvil.

6. To be noted, learned State Counsel is representing both the District Collector (respondent No.2) and jurisdictional Tahsildar (respondent No.4) besides the other correspondents. It is mentioned that District Collector has merely forwarded said representation of the writ petitioner to jurisdictional Tahsildar and that cannot be construed as any right in favour of writ petitioner.



7. Owing to all that have been set out supra, this Court is of the considered view that this writ petition is bereft of merits and deserves to be dismissed.

8. Therefore, Writ Petition is dismissed. This Court refrains itself from imposing costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

SSL

To

1.The Land Administration Commissioner,
Land Administration Commissioner Office,
Chepauk, Chennai-5.

2.The District Collector,
O/o District Collectorate,
Dindigul District.

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O/o Revenue Divisional Office,
Dindigul District,
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Aathur Taluk Office,
Dindigul District.

5.The Block Development Officer,
O/o Block Development Office,
Aathur, Dindigul District.

+1 CC to Mr.V.KARUNA, Advocate (SR-95702[F] dated 04/11/2019)

+1 CC to SPL GP (SR-95974[F] dated 04/11/2019)

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01.11.2019

VB(18.11.2019) 3P 8C

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