

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.6873 of 2020
and
W.M.P.No.8193 of 2020

B. Gothandapani

...Petitioner

Vs.

1.The District Collector,
Cuddalore,
Cuddalore District.

2.The Regional Divisional Officer,
Cuddalore,
Cuddalore District.

3.The Thasildar,
Cuddalore Taluk,
Cuddalore District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the second respondent to consider the petitioner's representation dated 05.03.2020.

For Petitioner : Mr. A.Saranraj

For Respondents : Mr. A.Arul doss,
Government Advocate

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the second and third respondents to consider the representation made by the petitioner and not to construct a overhead water tank in the property.

2. The case of the petitioner is that the subject property was in possession and enjoyment of his grandfather and he was doing agricultural activity. According to the petitioner, the patta was also granted in favour of his grandfather. After his lifetime, the father of the petitioner continued to be in possession and enjoyment of the property and was doing agricultural activity. In order to establish the same, the petitioner has also furnished the Aadhar card of the father of the petitioner. According to the petitioner, the respondents are attempting to put up a overhead water tank in the property. A representation was made in this regard by the father of the petitioner as well as the petitioner. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. This Court is not able to find any document in favour of the petitioner even to come to a prima-facie conclusion that the petitioner has any right over the property. The only document that is available is a patta which is said to have been issued in the name of the grandfather of the petitioner. Obviously, the petitioner does not have any title over the property based on the patta. If at all he is in possession, he is only in possession of the property belonging to the Government. The respondents are now in the process of constructing the overhead water tank and this is objected by the petitioner.

5. In the considered view of this Court, the petitioner has not established any right much less a legal right which is a sine qua non for issuing a writ of mandamus. The corresponding legal duty for the respondents will arise only if the petitioner has a legal right. In the absence of the same, this Court cannot issue a writ of mandamus to the respondents.

6. In the result, this Court does not find any merits in the petition. Accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AT

To

1.The District Collector,
Cuddalore,
Cuddalore District.

2.The Regional Divisional Officer,
Cuddalore,
Cuddalore District.

3.The Thasildar,
Cuddalore Taluk,
Cuddalore District.

+1cc to M/s.A.Saranraj, Advocate, S.R.No.24172

+1cc to the Government Pleader, S.R.No.24305

W.P.No.6873 of 2020
and
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RGN (CO)
RN (26/06/2020)

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