



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM

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THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**W.P. (MD) No.7169 of 2013
and M.P. (MD) No.2 of 20131.J.Arul Rajakani
2.M.Jeyaraj
3.M.Rajeswari

... Petitioners

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.2.The Thasildar,
Sivakasi Taluk,
Virudhunagar District.3.The Deputy Thasildar,
Sivakasi Taluk,
Virudhunagar District.4.The Village Administrative Officer,
No.12, Eanchar Village,
Sivakasi Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records connected with the proceedings of the second respondent dated 07.01.2011 made in Na.Ka.P1/117/10 and dated 07.01.2011 made in Na.Ka.No.P1/118/10 and quash the same in so far as it has rejected the ground of patta to the petitioners in Survey Number 1402 to the coverage o 5 acres and direct the first and second respondents to grant patta to the 5 acres of land in survey number 1402 to the petitioners, which is in their possession and enjoyment for 29 years.

For Petitioners : Mr.Y.Prakash

For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader.

**ORDER**

This writ petition has been filed challenging the proceedings of the second respondent dated 07.01.2011 insofar as it relates to the rejection of request of the petitioners.

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2.The petitioners admitted that they are in possession and enjoyment of the land by paying 'B' memo charges as per revenue records. When people from the second respondent's office and revenue officials came to the spot for measuring the land with the help of the Surveyors, the petitioners objected on the ground that they are entitled to get patta or assignment. The petitioners have made representations seeking patta for the lands, even though they can only seek for assignment of the property as the property is a Government promboke.

3.The representation of the petitioners was rejected by the impugned order on the ground that the property in respect of which assignment is claimed, is the property where the District Collector has directed that the land should be included in the prohibition book so that the officials will not consider the application for granting assignment as lands which are entered in the prohibition book should not be assigned.

4.The learned counsel for the petitioners doubted the genuineness of the contention that the property is entered in the prohibition book/Register.

5.The learned Additional Government Pleader was directed to produce the revenue records. It reveals that the District Collector passed the order in the year 1986 directing the revenue officials to enter the land in the prohibition register.

6.The petitioners have no right to seek assignment of public land, merely because they are in enjoyment by paying 'B' memo charges. The fact that the property has been entered in the prohibition book gives an indication that the land is required for public purpose in future and there cannot be any assignment.

7.In the said circumstances, the petitioners cannot approach this Court to direct the respondents to assign the land in favour of the petitioners. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Cr1.Side)

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/ /2020

Sub Assistant Registrar(CS)



To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Thasildar,
Sivakasi Taluk,
Virudhunagar District.

3.The Deputy Thasildar,
Sivakasi Taluk,
Virudhunagar District.

4.The Village Administrative Officer,
No.12, Eanchar Village,
Sivakasi Taluk,
Virudhunagar District.

+1 CC to M/s.Y.PRAKASH, Advocate (SR-8178[F] dated 25/02/2020)

+1 CC to M/s.SPL.GP (SR-8398[F] dated 26/02/2020)

W.P. (MD) No.7169 of 2013
25.02.2020

AP(04/06/2020) 3P 7C