



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

WEB COPY

W.P. (MD) No.4344 of 2020

K.Sakthivel

: Petitioner

vs.

1.The District Collector,
Office of the Collectorate,
Dindigul District.

2.The Sub Collector,
Office of the Sub Collector, Palani.

3.The Tahsildar,
Gukiliambarai Taluk, Dindigul District.

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 2 and 3 to issue patta for the land bearing S.No.1627/2A situated at R.Kombai Village, Gukiliambarai Taluk, Palani Revenue Division, Dindigul District by taking into account the second respondent's communication, dated 05.04.2018 within the time frame that may be stipulated by this Court.

For Petitioner :M/s.A.Rajini

For Respondents :Mr.A.Muthu Karuppan
Additional Government Pleader

O R D E R

This Writ Petition is filed for a direction to direct the respondents 2 and 3 to issue patta for the land bearing S.No.1627/2A situated at R.Kombai Village, Gukiliambarai Taluk, Palani Revenue Division, Dindigul District by taking into account the second respondent's communication, dated 05.04.2018 within the time frame that may be stipulated by this Court.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner states that he is in possession and enjoyment of a land in S.No.1626/2A in R.Kombai Village, Gukiliambarai Taluk, Palani Revenue Division, Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner further states that he belongs to Schedule Caste



community and the land, which is in his possession, is a Government Tharisu. The petitioner states that he has put up a house and living in the property for more than 30 years. The petitioner has produced before this Court, the copy of proceedings of Revenue Divisional Officer, dated 21.09.2012. The order of Revenue Divisional Officer reveals that an extent of three acres in S.No.1626/2A in that village was assigned in favour of Kanapathi Pandaram, son of Kantha Pandaram and that the assignment in favour of the original assignee was cancelled by order, dated 21.09.2012 for the reasons that the property was not put under cultivation and that the original assignee has sold the property in favour of one Ganesan.

4.It is in the said circumstances, the petitioner has approached the revenue officials for granting patta for the property. By the order of Revenue Divisional Officer, the land has been resumed from the original assignee. The property is classified as Government Tharisu and that the said land cannot be treated as a property of any individual at any rate. Even if the petitioner is in possession and enjoyment of the property, he cannot claim patta on the basis of his enjoyment of the property alone. From the proceedings of Revenue Divisional Officer, the petitioner himself has admitted that the property has been resumed by the Government from the original assignee for violation of condition of assignment.

5.No person is entitled to get patta for the land which belongs to the Government by enjoyment. Unless, the Government transfer the land by assignment or by any means, the petitioner or anyone, who is in possession of the land will not get patta. Patta is given to a person for recognition of his title for the purpose of assessment of tax. In the present case, the petitioner has no right to get patta for the foregoing reasons. Therefore, this Writ Petition is devoid of merits and hence, this Writ Petition is dismissed. However, liberty is given to the petitioner to approach the Government for assignment of land. This Court only expect the Government to consider the representation of the petitioner and this order cannot be treated as a positive direction. It is also open to the Government to evict the petitioner, after following due process of law. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The District Collector,
Office of the Collectorate,
Dindigul District.

2.The Sub Collector,
Office of the Sub Collector,
Palani.

3.The Tahsildar,
Gukiliambarai Taluk, Dindigul District.

+1 CC to M/s.SPL GP (SR-9528[F] dated 02/03/2020)

W.P. (MD) No.4344 of 2020
28.02.2020

cmr

AP(12.03.2020) 3P 5C