



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P (MD) No.15147 of 2020

Chitrarasan

... Petitioner

Vs.

- 1.The District Collector,
O/o. the District Collector,
Pudukkottai,
Pudukkottai District.
- 2.The Tahsildar,
Taluk Office,
Aranthangi,
Pudukkottai District.
- 3.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
- 4.The Revenue Inspector,
O/o. the Revenue Inspector,
Aranthangi,
Pudukkottai District.
- 5.The Village Administrative Officer,
O/o. the Village Administrative Officer,
Amanji Panjaththi Village,
Aranthangi Taluk,
Pudukkottai District.
- 6.Senthil Kumar
Revenue Inspector,
Aranthangi,
Pudukkottai District.
- 7.Bhuvaneswari
Village Administrative Officer,
Amanji Panjaththi Village,
Aranthangi Taluk,
Pudukkottai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to consider the representations dated 08.02.2008, 10.02.2020, 23.03.2020 and 09.06.2020 for seeking Patta for the land

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in Survey No.49/3 to the extent of 0.37.0 ares, situated in Allarai Melavayal Village, Kundagavayal, Aranthangi Taluk, Pudukkottai District within stipulated time frame fixed by this Court.

For Petitioner : Mr.S.Vanchinathan

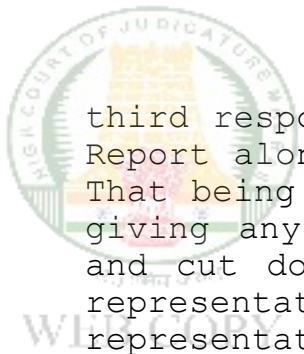
For Respondents : Mr.M.Pandiya Rajan
Additional Government Pleader
For R1 to R5

ORDER

This writ petition has been filed for issuance of a direction to the respondents 1 and 2 to consider the representations of the petitioner dated 08.02.2008, 10.02.2020, 23.03.2020 and 09.06.2020 for seeking Patta for the land in Survey No.49/3 to the extent of 0.37.0 ares situated in Allarai Melavayal Village, Kundagavayal, Aranthangi Taluk, Pudukkottai District within a time frame fixed by this Court.

2. Mr.M.Pandiya Rajan, learned Additional Government Pleader takes notice for the respondents 1 to 5. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner is in continues and uninterrupted possession of the land situated in Survey No.49/3 in Allarai Melavayal Village, Kundagavayal, Aranthangi Taluk, Pudukkottai District. Wherein he is cultivating the crops and planting the Teak Wood, Bamboo trees. The land belongs to the Government of Tamilnadu and the same is classified as Poramboke. Since, 1984, the petitioner has been paying tax properly without any default in his name for the said land and the same was accepted by the respondents' officials and he is in peaceful possession and enjoyment over the said house property without any hindrance more than 35 years. He may be legally deserved to get Patta from the respondent authorities in respect of his cultivating the above said land. He further submitted that on 08.02.2008, he made a representation to the first respondent seeking patta in his name for the above said land in Survey No.49/3. Since there is no reply, on 10.02.2020, the petitioner again made a representation to the first respondent and the same has been forwarded to the second respondent to take necessary steps. In such circumstances, the fourth respondent has sent a notice to the petitioner to remove the encroachment made in Survey No.49/3 in Allarai Melavayal Village, Kundagavayal, Aranthangi Taluk, Pudukkottai District. Immediately, on 23.03.2020, the petitioner made a reply to the respondent officials with detailed averments along with cogent documents. Thereafter, the first respondent passed an order to the second respondent vide proceedings dated 24.03.2020 to take necessary action on the said representation and the same was forwarded to the



third respondent for making enquiry and submit the Field Inspection Report along with Village Revenue Records to the second respondent. That being the fact, on 08.06.2020, the respondents 4 and 5 without giving any notice, illegally trespassed into the land in question and cut down the trees and locked. Hence, the petitioner made a representation to the first respondent on 09.06.2020. Since his representations did not evoke any response, the petitioner is before this Court for a suitable direction.

4. The petitioner submits that he is in possession and enjoyment of the property in question for the last 34 years. The petitioner also states that the property does not belong to the Government and it is classified as Poramboke. Since 1984, he has been paying tax and enjoying the property, according to him he has got right to hold patta. Though he has been paying tax and enjoying the property of the Government, it does not mean that he has right to get the property in his favour. The total extent of property is 0.37.0 Ares. Even the landless poor are seeking patta to an extent of 2 cents alone, but in this case, for the purpose of getting the entire land in question ie., 0.37.0 Ares, the petitioner seeks patta, which is not acceptable. More so, it has been stated by the official respondents that notice under Section 7 of 1905 Act has already been issued to the petitioner. In the said notice, it has been categorically stated that the petitioner has encroached the Government land. Though the relief sought for in this writ petition is with regard to disposal of his representations, grant of such prayer to the petitioner will amount to opening a Pandora Box and this Court do not want to be a party to start further litigation. More so, the petitioner cannot claim the disposal of his representations as a matter of right. Hence this Court is not inclined to give the relief sought for by the petitioner.

5. Accordingly, this writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

1.The District Collector,
O/o. the District Collector,
Pudukkottai,
Pudukkottai District.



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Pudukkottai District.

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5.The Village Administrative Officer,
O/o. the Village Administrative Officer,
Amanji Panjaththi Village,
Aranthangi Taluk,
Pudukkottai District.

+1 CC to SPL GP (SR-21130[F] dated 04/11/2020)

W.P (MD) No.15147 of 2020
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VB (23.11.2020) 4P 7C