



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.11.2020
CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.16907 of 2020

and

W.M.P. (MD) Nos.14129 and 14131 of 2020

K.R.Samy @ K.Ramasamy

...Petitioner

-Vs-

1. The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
2. The District Collector,
Pudukottai District,
Pudukottai.
3. The Revenue Divisional Officer,
Pudukottai.
4. The Tahsildar,
Alangudi Taluk,
Alangudi,
Pudukottai.
5. The Village Administrative Officer,
Lakshmi Narasimmapuram,
Alangudi Taluk,
Pudukottai District.
6. The Inspector of Police,
Vadakadu Police Station,
Pudukottai District-622 304.

7.Pushparani

8.Chinnadurai

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the first to fourth respondents to take appropriate action to issue patta to the petitioner for 2.00 ac. Of land in survey No.127/7, Pulichankadu Village, Alangudi Taluk, Pudukottai District considering the fourth respondent's letter in Na.Ka.No.6671/17/A5 dated 20.11.2017 addressed to the second respondent District Collector and the petitioner's representations dated 14.12.2018 and 25.07.2020



collecting the land cost within the time limit to be fixed by this Court.

For Petitioner : Mr.R.M.Makesh Kumaravel
For R1 to R6 : Mr.K.P.Krishnadoss
Special Government Pleader

WEB COPY

ORDER

This writ petition has been filed to direct the first to fourth respondents to take appropriate action to issue patta to the petitioner for 2.00 acre of land in survey No.127/7, Pulichankadu Village, Alangudi Taluk, Pudukottai District by considering the fourth respondent's letter in Na.Ka.No.6671/17/A5 dated 20.11.2017 addressed to the second respondent District Collector and the petitioner's representations dated 14.12.2018 and 25.07.2020 by collecting the land cost within the time limit to be fixed by this Court.

2. Mr.K.P.Krishnadoss, learned Special Government Pleader, accepts notice for the first to sixth respondents. Since no adverse order is going to be passed against the seventh and eighth respondents, notice to the seventh and eighth is dispensed with.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. According to the petitioner, the petitioner is a cultivator of the land to an extent of 2.00 acres in survey No.127/7, Pulichankadu Village, Alangudi Taluk, Pudukottai District under B.Memo tax. He is regularly paying the necessary taxes to the Government. In the year 1980, since two persons attempted to evict the petitioner from the above said land, the petitioner filed O.S.No.339 of 1980, which was decreed on 05.09.1980 restraining the defendants interfering with the peaceful possession and enjoyment of the said property. Thereafter, the petitioner made a representation to the first respondent, who directed the second respondent to take appropriate action, on 18.12.2016 seeking patta for the said land. In the meanwhile, as few local persons assaulted the petitioner asking him to vacate the land, the petitioner made a complaint to the sixth respondent. But, no action has been taken in the representation of the petitioner dated 18.12.2016 as well as on the complaint of the petitioner dated 03.12.2018. Hence, the petitioner is before this Court with the aforesaid prayer.

5. Admittedly, the land belongs to the Government. According to the petitioner he is the owner and he is possession and enjoyment of the property. That apart, the petitioner has filed a suit for declaration and he has got right over the property by the exparte decree granted by the trial Court vide judgment dated 05.09.1980 and



the said decree has become final. Though the petitioner has got right over the property by the said judgment, the judgment only binds on the petitioner and the persons, who are the parties to the suit. Since the Government was not made as a party to the said suit, there is no need for the Government to issue patta to the Government on the basis of the said decree. Hence, based on the said judgment and decree, the petitioner cannot seek any relief from the Government.

6. In view of the above submission, the relief sought for by the petitioner cannot be granted by this Court. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.E)

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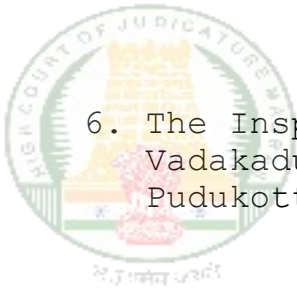
Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai-600 005.
2. The District Collector,
Pudukottai District,
Pudukottai.
3. The Revenue Divisional Officer,
Pudukottai.
4. The Tahsildar,
Alangudi Taluk,
Alangudi, Pudukottai.
5. The Village Administrative Officer,
Lakshmi Narasimapuram,
Alangudi Taluk,
Pudukottai District.



6. The Inspector of Police,
Vadakadu Police Station,
Pudukottai District-622 304.

+1 CC to Mr.R.M.MAKASH KUMARAVEL, Advocate SR-23462.

W.P.(MD) No.16907 of 2020
27.11.2020

TP (CO)
CS (23.12.2020) 4P 8C