



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.16175 of 2020

G.Uooikattan

...Petitioner

-Vs-

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Revenue Divisional Officer,
Thisayanvilai, Tirunelveli District.

3.The Tahsildar,
Thisayanvilai Taluk, Tirunelveli District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue a patta in respect of Natham in Old Survey No.564, New Survey No.3301/4 situated at Melatheru, Aandanmulam Village, Vijayanarayanam Part II, Thisayanvilai Taluk, Tirunelveli District based on the petitioner's representation dated 17.10.2020.

For Petitioner : Mr.Aayiram K.Selvakumar

For Respondents: Mr.M.Muniyasamy,
Additional Government Pleader.

ORDER

This Writ Petition has been filed, seeking a direction to the respondents to issue a patta in respect of Natham in Old Survey No.564, New Survey No.3301/4 situated at Melatheru, Aandanmulam Village, Vijayanarayanam Part II, Thisayanvilai Taluk, Tirunelveli District based on the petitioner's representation dated 17.10.2020.

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

3.Mr.M.Muniyasamy, learned Additional Government Pleader accepts notice on behalf of the respondents.

4.According to the petitioner, he is in possession and enjoyment of the part of portion in Natham in Old Survey No.564, New Survey No.3301/4 situated at Melatheru, Aandanmulam Village, Vijayanarayanam Part II, Thisayanvilai Taluk, Tirunelveli District for more than 40 years. That being so, some occupiers have been given patta by the then Tahsildar, Nanguneri in the same parts. Therefore, he has made a representation dated 17.10.2020, seeking patta in favour of him to the respondents. However, till date no



effective steps have been taken by the respondents. Hence, the petitioner has approached this Court seeking aforesaid prayer.

5.The learned counsel appearing for the petitioner contended that several persons have been given land and that he is one of the landless poor and submitted that he has been paying property tax and charges and produced property tax receipt along with electricity payment for occupying the land and he is occupying the land to the extent of 7.63 cents.

6.This Court is of the considered view that as per the Government Order, maximum land occupied by the landless poor is 3 cents. The Government will have to issue necessary guidelines for allotting lands. It is an admitted fact that the land is poramboke land and that being the case, the petitioner may not be entitled to the relief sought for in this Writ Petition. However, disposal of the Writ Petition will not preclude the Government in considering the request of the petitioner to allot land to maximum extent of 3 cents and issue patta, after ascertaining the fact by way of a thorough enquiry that the petitioner is a landless poor. In case, if it is found that the petitioner is having any land and suppressed the same, it is open to the third respondent to cancel the patta at any point of time. If it, at a later of time after construction of the house, comes to light that there is a suppression of truth and the land has been obtained by way of assignment on the ground of false statement of landless poor, the electricity and water supply connections shall forthwith be disconnected by the authorities concerned. The burden is on the person, who obtained the land by way of concealment of facts to disprove the allegation and by any chance, he cannot take a plea that before disconnection of electricity and water, no notice has been given and the concerned authorities were not added as party respondents, as the show cause notice for cancellation can very well be issued even after disconnection of electricity and water. There is no need for the official concerned to prove their case, as many citizens of this State has been, by one way or the other, attempting to grab the Government Poramboke land or other public properties either by encroachment or by suppression stated supra.

7.Accordingly, this Writ Petition stands disposed of. No costs.

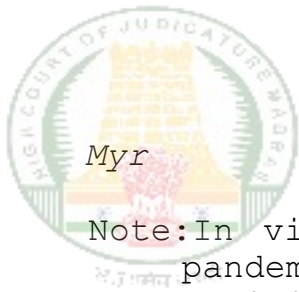
Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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 District Collector,
Tirunelveli District, Tirunelveli.
2. The Revenue Divisional Officer,
Thisayanvilai, Tirunelveli District.
3. The Tahsildar,
Thisayanvilai Taluk, Tirunelveli District.

+1 CC to SGP (SR-22173[F] dated 19/11/2020)

Order made in
W.P. (MD) No.16175 of 2020

18.11.2020

SGS (CO)

NR (02/12/2020) 3P : 5C