



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.4278 of 2016

S.Sakthi Mohan

.. Petitioner

Vs.

1.The District Collector,
Office of District Collector,
Sivagangai District.

2.The District Revenue Officer,
Office of Revenue Divisional Officer,
Devakottai, Sivagangai District.

3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Devakottai, Sivagangai District.

4.The Tahsildar,
Office of the Tahsildar,
Thirupathur,
Sivagangai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation, dated 19.10.2015 and consequently direct the 4th respondent to issue patta in respect of the land to an extent of 2 Acre and 16 cents situated in S.No.125/48A, Kambanoor Village, Natchiyapuram Group, Thirupattur Taluk, Sivagangai District.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.A.Thiyagarajan
Additional Government Pleader

ORDER

This writ petition is filed for issuing a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation, dated 19.10.2015 and consequently direct the 4th respondent to issue patta in respect of the land to an extent of 2



Acre and 16 cents situated in S.No.125/48A, Kambanoor Village, Natchiyapuram Group, Thirupattur Taluk, Sivagangai District.

2.From the revenue records that is the settlement 'A' register prepared during UDR, it is seen that the property, for which the petitioner claim patta is registered as Government Poramboke and it is stated that it is not in the enjoyment of any one (கைப்பற்றில்லாது). The property in S.No.125/48A is classified as 'அரசு புறம்போக்கு' (Government Poramboke).

3.Surprisingly, the petitioner claimed patta in respect of S.No.125/2A in his representation originally and the claim was altered to one in respect of S.No.120/48A, measuring an extent of 2 Acre 16 cents in 2013. No revenue record or original document of title is produced by the petitioner to show that the property is registered in the holdings of the petitioner's predecessor in interest. Hence, there is no basis for the petitioner's claim, since the property is not the ancestral property of the petitioner. When the property is shown as Government Poramboke as per the settlement 'A' register, this Court cannot presume that the property belongs to the petitioner and he inherited from his ancestors. The claim for patta can be considered only if the petitioner produces revenue records in the name of the petitioner's predecessor in interest in terms of Section 12 of Patta Pass Book and in the absence of any document in favour of the petitioner, the petitioner's claim is baseless and he is not entitled to get patta on the basis of self serving claim.

4.The learned counsel for the petitioner states that the Revenue officials have no objection for assigning the land to the petitioner and seeks an observation from this Court to enable him to get patta by ways of assignment. The petitioner having taken contradictory stand claiming title as if it is his ancestral property, has now sought prayer admitting the title of Government. Taking contradictory stand and coming to Court with ill motive, shows the dishonesty of the petitioner.

5.Hence, this writ petition is dismissed with cost of Rs.2,000/- (Two thousand) payable to the credit of the "District Siddha Medical Officer, CCRI, Periyakulam" (payable in Account No.10767823177, SBI, Periyakulam).

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Office of District Collector,
Sivagangai District.
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Office of Revenue Divisional Officer,
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Office of Revenue Divisional Officer,
Devakottai, Sivagangai District.
- 4.The Tahsildar,
Office of the Tahsildar,
Thirupathur,
Sivagangai District.

Copy to

District Siddha Medical Officer,
CCRI, Periyakulam

+1 CC to M/s.RIGHT LAW ASSOCIATES, Advocate (SR-7378[F] dated
20/02/2020)

+1 CC to SPL.GP (SR-7546[F] dated 21/02/2020)

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