



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.10.2020**

CORAM:

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

W.P(MD)No.6452 of 2016

WEB COPY

1.P.A.Pandi

2.P.A.Periya Karuppan

... Petitioners

Vs.

1. The District Collector,
Madurai District,
Madurai - 625 020.

2. The Revenue Divisional Officer,
Madurai District,
Madurai - 20.

3. The Tahsildar,
Madurai North Taluk,
Madurai District - 20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the representation dated 19.02.2016, with respect to issuance of patta to the land situate in S.No.100 at Vandiyur Village 1 Bit to the extent of 0.91 acre within the time.

For Petitioner

: Mr.K.Suresh

For respondents

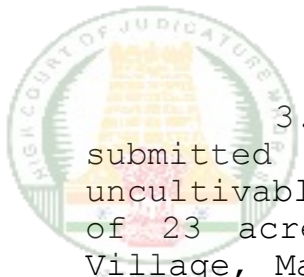
: Mr.K.Chellapandian

Additional Advocate General,
assisted by Mr.K.P.Krishnadoss,
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to consider the representation dated 19.02.2016, with respect to issuance of patta to the land situate in S.No.100 at Vandiyur Village 1 Bit to the extent of 0.91 acre within the time.

2.Heard the learned Counsel appearing for the petitioners and Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents.

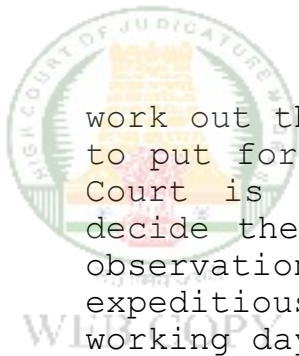


3.The learned Counsel appearing for the petitioner submitted that the grandfather of the petitioners had occupied uncultivable land measuring to an extent of 1 acre and 50 cents out of 23 acres and 50 cents in Survey No.100 situate at Vandiyur Village, Madurai District and by removing all the debris, rocks and stones from the land and made the same as cultivable. Thereafter, he has been cultivating in the said land. After the demise of the grandfather of the petitioner, the father of the petitioner was doing cultivation in the said land and for which, he has been paying Kist to the revenue department from the year 1973. In the meantime, the first respondent inspected the said land and considering the nature of the land and the eligibility of the petitioners' father, he directed the Revenue Divisional Officer, Madurai/second respondent herein to take suitable action to assign the said land to the father of the petitioners vide proceedings dated 13.02.1979. But the second respondent had not taken any steps as directed by the first respondent. It is further submitted that the petitioners' father, during his life time, had made several representations to the revenue authorities for issuance of patta and on the basis of the representations, the third respondent had responded to the first respondent stating that patta will be issued only based on the report of the Revenue Inspector. Thereafter, no step had been taken by the respondents to issue patta to the petitioners' father. While so, on 20.01.2004, the petitioners' father died and after the demise of the petitioners' father, the petitioners have been doing cultivation in the said land. Thereafter, though several representations have been made to the respondents for issuance of patta, no steps have been taken by the respondents. Hence, the petitioners have come forward with this present Writ Petition.

4.The second respondent had filed a detailed counter stating that there is a ban with regard to grant of assignment/lease of Government land in the major towns of Madurai, Coimbatore and Tiruchirappalli, as per G.O.Ms.No.1427, Revenue Department, Dated 11.05.1971. Further, the proposal to grant assignment in 1979 to the petitioners was also rejected by the Government stating that merely because the petitioners possess 'B' memo which would not give them any right to continue in the property. The fact that 'B' memos are issued for the parties those who are in illegal occupation of the Government land.

5.At this stage, the learned Counsel appearing for the petitioners would submit that the petitioners have filed a Civil Suit in O.S.No.57 of 2020 and the same is pending.

6.Considering the fact that the Writ Petition was filed in the year 2016 and civil suit is filed in 2020, without expressing any opinion on the merits of the matter and taking note of the contents in counter affidavit, this Court rejects the plea of the petitioners and the representation of the petitioners need not be considered. If the petitioners have got any grievance, they can



work out their remedy before the Civil forum. It is for the parties to put forth their submissions before the Civil Court and the Civil Court is directed to consider the pleadings of the parties and decide the same in accordance with law uninfluenced by any of the observation made in this order and dispose of the suit as expeditiously as possible without adjourning the matter beyond 15 working days.

7. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1. The District Collector,
Madurai District,
Madurai - 625 020.
2. The Revenue Divisional Officer,
Madurai District,
Madurai - 20.
3. The Tahsildar,
Madurai North Taluk,
Madurai District - 20.

+1 CC to the SPL GP (SR-20495[F] dated 16/10/2020)

W.P(MD)No.6452 of 2016
15.10.2020

ARK(CO)
CS(23.11.2020) 3P 5C