



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.19555 of 2013

V.Balasubramaniam

... Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
At Kancheepuram.
2. The District Revenue Officer,
Kancheepuram District,
At Kancheepuram.
3. The Revenue Divisional Officer,
Maduranthagam Taluk,
Kancheepuram District.
4. The Tahsildar,
Cheyyur Taluk,
Kancheepuram District.
5. P.Pradeep Kumar

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 02.07.2013 and thereby direct the respondents to issue separate patta in respect of the property situated in survey numbers 150/2F2, 151/1A2A, 152/1B, 152/1D, 177/8C, 177/8F, 180, 191/3B, 192/2A, 196/2, 197/3, 2/2B3B, 25/1, 29/2, 290/3A4A, 304/1B1C, 60/2A, 60/2B, 60/6C and 8/2A1B in Polambakkam Village and Post, Cheyyur Taluk, Kancheepuram District to an extent of 5.85 acres of land out of 11.70 acres of land.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents 1to 4 : Mr.Richardson Wilson
Counsel for Government

For 5th Respondent : No appearance



ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to consider the petitioner's representation dated 02.07.2013 and thereby direct the respondents to issue separate patta in respect of the property situated in survey numbers 150/2F2, 151/1A2A, 152/1B, 152/1D, 177/8C, 177/8F, 180, 191/3B, 192/2A, 196/2, 197/3, 2/2B3B, 25/1, 29/2, 290/3A4A, 304/1B1C, 60/2A, 60/2B, 60/6C and 8/2A1B in Polambakkam Village and Post, Cheyyur Taluk, Kancheepuram District to an extent of 5.85 acres of land out of 11.70 acres of land.

2.The petitioner's claim is that in joint Patta No.98, there is 11 acres 70 cents at No.9 Polambakkam Village, Kancheepuram District which stood in the name of some individuals called Kumarappa Reddiyar, Balasubramanian. After the demise of Kumarappa Reddiyar, his son one Purushothama Reddiar and whose son Pradeep Kumar, claimed to have assured that 50% of the land would be given to the petitioner, that assurance was given orally, according to the petitioner.

3.Therefore, according to the oral assurance, since the owners of the property, as referred to above, have not parted away the 50% of the land, the petitioner approached the Revenue Authorities by filing representation dated 02.07.2013 to issue separate patta in respect of 50% of the property in favour of the petitioner. The said representation since has not been considered, according to the petitioner, by the third respondent i.e., Revenue Divisional Officer, Maduranthagam, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

4.Heard Mr.B.Gopalakrishnan, learned counsel appearing for the petitioner, who would submit that, except the oral assurance said to have been given by the erstwhile owner of the property concerned, no other document or source are available with the petitioner to establish the title over the property and only on the basis of the oral assurance given by the erstwhile owner or their legal heirs, now the petitioner claims 50% of the property in question, in his name.

5.This Court is afraid of hearing such kind of prayers where mandamus sought for to consider the representation in this regard given by the petitioner to the Revenue Authorities.

6.If at all patta is sought for by any individual, in support of the claim to be made before the Revenue Authorities for getting patta or separate patta from the joint patta, first of all, the supporting documents to establish the title over the



property must be produced.

7. Here in the case in hand, no such document has been produced whatsoever to establish the title of the property concerned in favour of the petitioner. The petitioner has simply stated that long back, some oral assurance had been given by the erstwhile owner of the property or their legal heirs that after the demise of the original owner, the legal heirs would grant 50% of the land in favour of the petitioner.

8. Whether based on such oral assurance said to have been given by the erstwhile owners of the property, the petitioner can claim 50% of the share and on that oral assurance only, can he ask the Revenue Authorities to issue patta separately for the 50% of the land in question, is a big question and for which, the emphatic answer would be that 'No'.

9. Unless the petitioner establishes his case that he has got title over the property or is entitled to have the 50% of the share in the property concerned with supporting documents, he has no business to seek or make a claim to Revenue Authorities to issue patta in favour of him. Therefore, the present attempt made by the petitioner by giving representation dated 02.07.2013 to the Revenue Authorities to issue patta in the name of the petitioner is a vain attempt without having any worthy reason to be considered by the Revenue Authorities.

10. Law is well settled in this regard that if a litigant, by invoking the provision of Article 226 of the Constitution, approaches the High Court seeking for writ of mandamus, he must at least establish his legal right, if not the statutory or fundamental right. When the very basic legal basis could not be established, at least prima facie, before this Court to seek for any direction by way of mandamus to the authorities concerned to act upon on the request of the petitioner, such kind of request cannot be accepted by this Court. Therefore, no mandamus can be granted as sought for by the petitioner in this case, in view of the aforestated facts.

11. In that view of the matter, this writ petition fails, hence it is liable to be dismissed and accordingly is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Sgl



To

1. The District Collector,
Kancheepuram District,
At Kancheepuram.
2. The District Revenue Officer,
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At Kancheepuram.
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Cheyyur Taluk,
Kancheepuram District.

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PL (CO)
K.RK. (23.07.2021)