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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.17955 OF 2021

K.Palanivel

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep.by the Commissioner,
Administration Office,
Ezhilagam,
Chepauk,
Chennai-600 005.
2. The District Collector,
Villupuram District,
Villupuram.
3. The Sub Collector,
Thirukovilur Division,
Thirukovilur.
4. The Tahsildar,
Ulundurpet,
Villupuram District.

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 to 4 to take necessary steps to issue patta in petitioner name for the dry lands comprised in S.No.32/1 ad measuring 1.5 Acres and (2) the dry land comprised in S.No.30/1 ad measuring 1.00 Acre, totalling 2.50 Acres, situated at Kalavanoor village, Ulundurpet Taluk, Villupuram District based on petitioner representation dated 25.04.2019.

For Petitioner	:	Mr.N.Naganathan
For Respondents	:	Mr.A.Selvendran Special Government Pleader.



ORDER

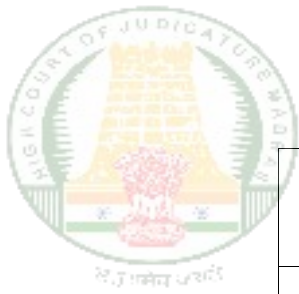
This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents 2 to 4 to consider the representation of the petitioner dated 25.04.2019 to take necessary steps to issue patta in the petitioner's name for the dry lands comprised in S.No.32/1 admeasuring to an extent of 1.5 acres and in S.No.30/1 admeasuring to an extent of 1.00 acre, totalling 2.50 acres, situated at Kalavanoor village, Ulundurpet Taluk, Villupuram District.

2. Heard, Mr.N.Naganathan, learned counsel appearing for the petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents.

3. The petitioner along with his family members is in possession and enjoyment of the dry land comprised in survey No.32/1 admeasuring to an extent of 1.5 acres and in survey No.30/1 admeasuring to an extent of 1.00 acre, situated at Kalavanoor village, Ulundurpet Taluk, Villupuram District. The petitioner and his family members did not own any other property other than this land. They are also paying tax for their enjoyment to the revenue department. Therefore, the petitioner submitted a representation to the first respondent, to assign the said land and issue patta in the name of the petitioner for the subject land. While pending representation, the petitioner made statement on the enquiry conducted by the Village Administrative Officer. The property comprised in survey No.32/1 is classified as 'Kulam Poromboke' and as such, he withdrew the representation.

4. The status report filed by the fourth respondent revealed that the petitioner made application for assignment of land comprised in survey No.32/1 and he stated that he is landless poor. Whereas, on the enquiry, it was found that the petitioner owned the following lands in Kalavanur Village ;

Sl. No	Survey No	Wet Land (Extent in Hec.)	Dry Land (Extent in Hec.)
1	31/1B	-	0.04.0
2	31/2B	-	0.31.0
3	31/3A	-	0.01.5
4	31/3B	-	0.16.5
5	31/3C	-	0.10.5
6	31/3D	-	0.03.5
7	112/5	0.07.0	-



Sl. No	Survey No	Wet Land (Extent in Hec.)	Dry Land (Extent in Hec.)
	TOTAL	0.07.0	0.67.0

The grand total of lands are (0.07.0+0.67.0) = 0.74.0 Hectare i.e., 1 Acre 82 Cent. Therefore, the petitioner decided to withdraw the petition seeking for assignment of land.

5. The learned counsel for the petitioner would submit that the petitioner did not issue any letter to withdraw the request for the assignment of the said land. Even assuming that the petitioner did not withdraw his petition for assignment of land, as per the status report, he owned land admeasuring to an extent of 1.82 acres in the above mentioned survey numbers. He also put up terrace house and as such, the petitioner is not landless poor. That apart, the subject land comprised in survey No.32/1 is classified as 'Kulam Poromboke' and it cannot be assigned to anybody. Therefore, the prayer sought for in this writ petition is devoid of merits.

6. In the result, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The Commissioner,
The State of Tamil Nadu,
Administration Office,
Ezhilagam,
Chepauk,
Chennai-600 005.
2. The District Collector,
Villupuram District,
Villupuram.
3. The Sub Collector,
Thirukovilur Division,
Thirukovilur.



4. The Tahsildar,
Ulundurpet,
Villupuram District.

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+1cc to Mr.N.Naganathan, Advocate, S.R.No.58438
+1cc to the Government Pleader, S.R.No.59007

W.P.No.17955 of 2019

SMI (CO)
PM/21/12/2021