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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. No.24111 of 2021
and W.M.P.No.25410 of 2021

Bharathiraja Petitioner

Vs.

1.K.Thanakodi

2.The Tahsildar
Tindivanam
Villupuram District.

3.The Village Administrative Officer
Keezhidaiyalam Village
Villupuram District.

..... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the Tahsildar of Tindivanam to Survey the land which is in possession of C.Chinnammal in the presence of an Advocate Commissioner appointed by this Court and to restore the possession of C.Chinnammal in the said poramboke land by issuing a Writ of Mandamus.

For Petitioner: Mr.V.Giri Shankar

For RR2 &3 : Mr.A. Selvendran
Government Advocate

O R D E R

The Writ Petition has been filed for issuance of Writ of Mandamus, directing the Tahsildar of Tindivanam to Survey the land which is in possession of C.Chinnammal in the presence of an Advocate Commissioner appointed by this Court and to restore the possession of C.Chinnammal in the said poramboke land by issuing a Writ of Mandamus.



2. Heard, Mr.V.Giri Shankar, learned counsel appearing for the petitioner and Mr.A. Selvendran, learned Government Advocate appearing for the respondents 2 & 3.

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3. The case of the petitioner is that the petitioner's grandmother owned the land comprised in Survey No.404/1 to an extent of 1.54 acres at Keezhidaiyalam Village, Villupuram District. There is a piece of Poramboke land bearing Survey No.267/3 abutting the subject land, which is also in possession and enjoyment of the petitioner's grandmother since 1981. She also constructed a small shed for livestock i.e., goats and obtained electricity connection.

4. While being so, the third parties attempted to demolish the put up shed by his grandmother. Therefore, the petitioner lodged a complaint before the Inspector of Police, C6, Mailam Police Station, Villupuram District. On receipt of the same, he was issued CSR No.430 of 2021. In the mean while, the petitioner being the grandson submitted an application for issuance of patta for the said land and it is pending before the authorities concerned. The petitioner also filed an application to survey the land. However, the petitioner's grandmother and the petitioner were dispossessed from the said property. Therefore, the petitioner filed this petition to survey the land and restore the possession of his grandmother to the subject land.

5. Admittedly, the subject land is Poramboke land and belongs to Government. Therefore, the petitioner has no authority to seek request to survey the subject land from the revenue officials. Therefore, such direction cannot be issued and the writ petition is devoid of merits.

6. In the result, the Writ Petition stands dismissed. However, the petitioner is at liberty to approach the Civil Court for appropriate relief as against the third party. Consequently, connected miscellaneous petition is closed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



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1.The Tahsildar,
Tindivanam,
Villupuram District.

2.The Village Administrative Officer,
Keezhidaiyalam Village,
Villupuram District.

+1cc to the Government Pleader Sr.58527

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