



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.3646 of 2009

and

M.P.(MD)No.1 of 2009

WEB COPY

A.Thangapandian

... Petitioner

vs.

1.K.Mookaia

2.The Collector,
Madurai District.

3.The District Revenue Officer,
Madurai.

4.The Revenue Divisional Officer,
Usilampatty, Madurai District.

5.The Tahsildar,
Usilampatty,
Madurai District,
now the Tahsildar of Peraiyur Taluk.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the fourth respondent in his proceeding Na.Ka.No.J4/9815/2008, dated 27.11.2008 and quash the same and consequently, to direct the fifth respondent to issue a patta in favour of the petitioner assigning land old S.No.358/3 in N.S.No.433/11 in Soolapuram Village, Peraiyur Taluk, Madurai District.

For Petitioner :No Appearance
For R2 to R5 :Mr.D.Ghandiraj
Special Government Pleader

O R D E R

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order of the fourth respondent in Na.Ka.No.J4/9815/2008, dated 27.11.2008 and to direct the fifth respondent to issue patta in favour of the petitioner assigning land in Old S.No.358/3 in N.S.No.433/11 in Soolapuram Village, Peraiyur Taluk, Madurai District.

2.There is no representation for the petitioner. The learned Counsel for the petitioner earlier stated that the petitioner had taken back the bundle. The name and address of the petitioner had been printed in the cause list.



3.Mr.Ghandiraj, learned Special Government Pleader appearing for the respondents 2 to 5 states that the petitioner had been originally granted assignment of land with respect to Old S.No.358/3 and New S.No.433/11 in Soolapuram Village, Peraiyur Taluk, Madurai District. One of the conditions for assignment of the land is that the petitioner should put up construction within one year and the assigned land should not be alienated for a period of ten years. It is the specific contention of the respondents 2 to 6 that the petitioner had not put up a construction, rather had put up a semblance of construction, a hut and had also put some bullock cart in the particular place.

4.The petitioner claims that he was an agriculturalist. But, however, he is bound by the terms of the assignment of land. If he could not satisfy the terms, the same can be allotted to other landless person. The petitioner could not take advantage of the assignment of a land and claim that he would not satisfy the condition in letter and spirit.

5.With the said observations, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

- 1.The Collector,
Madurai District.
- 2.The District Revenue Officer,
Madurai.
- 3.The Revenue Divisional Officer,
Usilampatty, Madurai District.
- 4.The Tahsildar,
Usilampatty, Madurai District,

W.P. (MD)No.3646 of 2009
25.11.2021

SVN(CO)
KB(04.12.2021) 2P 5C