



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD)No.2066 of 2021

K.Velan Mathari

... Petitioner

- Vs -

1.Secretary,
Tamil Nadu State Revenue Department,
Fort St. George,
Chennai - 9.

2.The Commissioner for Land,
Administration,
Chepauk,
Chennai - 5.

3.The District Collector,
Theni District.

4.The District Revenue Officer,
Theni District.

5.The Revenue Divisional Officer,
Theni District.

6.The Tahsildar,
Theni District.

7.The Special Tahsildar,
Adi Dravidar Welfare Department,
Theni District.

... 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 petitioner's petition dated 04.12.2020 and to take appropriate action on the obstructors who prevented him to enter into his land, who encroached his land and to grant patta for his land bearing survey No.1382/1A measuring 3 acre and 32 cents situated in Oonjampatti Village, Periyakulam Taluk, Theni District.

For Petitioner	: Mr.S.Samuel James
For Respondents	: Mr.M.Karuppasamy Government Advocate

ORDER

The case of the petitioner is that his father was working as an agricultural coolie and was suffering from acute poverty for want of sufficient means of sustenance. The Government, in recognition of the poverty stricken segment of society, had assigned Panchami lands



to various eligible persons including the petitioner's father and a land to an extent of 3 acres and 32 cents in Survey No.1382/1A in Oonjampatti Village in Theni District was assigned to the petitioner, as being a landless poor.

2. According to the petitioner, such land once assigned can never be dealt with by any other person. After the assignment, the petitioner's father had been cultivating the land for several years. However, cultivation could not be carried on continuously for variety of reasons and exploiting the poverty and illiteracy of the petitioner's father, some persons have approached him for sale of the land for some consideration. According to the petitioner, later on, the money was returned but the lands were not returned to them though it was only mortgaged with them for want of immediate money.

3. Thereafter, the petitioner appears to have approached the third respondent for grant of patta and also represented for removal of certain encroachments in the land. According to him, the petitioner's property has been grabbed by the real-estate persons and also the lands were divided and sold to many other persons. Since no action was taken, the petitioner is before this Court.

4. From the above narrative, it could be seen that the petitioner himself has admitted the lands were sold or mortgaged for whatever reasons in the past. While the facts are so, it is not open to the petitioner to seek an innocuous direction from this Court in order to redress his so-called grievance. The proper course for the petitioner is to approach the competent Court to work out his remedies and by establishing primarily his title to the property. However, it is certainly not open to the petitioner to come up with a bald averments without specifying any particular cause of action for this Court to give any direction as prayed for by him.

5. Moreover, this Court does not find any cohesive case projected by the petitioner and the details relating to the transaction of the subject properties are disjointed and jumbled up and this Court could not make any proper sense of what transpired in respect of the subject property over the years. In the absence of any details, this Court is unable to entertain this Writ Petition.

6. Therefore, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

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+1 CC to M/s.SPL GP (SR-4002[F], SR-3801[F] dated 09/02/2021)

W.P(MD)No.2066 of 2021
05.02.2021

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KB(26.02.2021) 3P 9C