



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.4048 of 2021

and

W.M.P. (MD) No.3254 of 2021

WEB COPY

S.Jeyabalan

... Petitioner

-vs-

1.The Principal of Secretary and Commissioner of
Land Administration (FAC),
Chepauk,
Chennai 600 005.

2.The District Revenue Officer,
Sivagangai.

3.The Revenue Divisional Officer,
Devakottai.

4.The Tahsildar,
Devakottai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the order dated 22.01.2021 in Proc.No.K4/16066/2017 and quash the same and consequently direct the respondents to reconsider the application 11.07.2017 submitted by the petitioner's father by affording opportunity of personal hearing to the petitioner and to grant patta for the lands in S.No.326/6, Chittativayal Village, Iruvinivayal Group, Devakkottai Taluk, measuring about 0.16.15 Ares.

For Petitioner : Mr.AL.Kannan

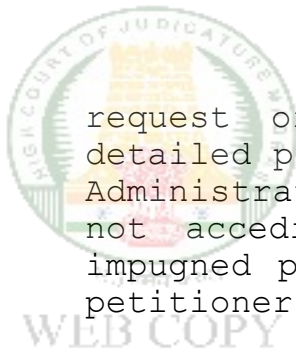
For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

ORDER

What is challenged in this writ petition is the proceedings of the 1st respondent dated 22.01.2021, confirming the orders passed by the 2nd respondent, dated 25.02.2009, rejecting the petitioner's request for grant of assignment for Natham vacant site on the ground that the petitioner has not been possession of the land and there is no vested right conferred on the petitioner to seek assignment.

2.As could be seen from the proceedings of the 1st respondent, several facts were narrated in the impugned proceedings and also several orders have been passed by this Court at the instance of various parties. From the proceedings, it could be seen that the



request of the petitioner's father was rejected earlier by a detailed proceedings of the Principal Secretary/Commissioner of Land Administration, on 30.10.2013 itself by giving extensive reason for not acceding to his request. Confirming the same, the present impugned proceeding has been passed, negating the request of the petitioner.

3. In the above circumstances, this Court is unable to entertain the writ petition for the simple reason that the right of the petitioner can be established only on appreciation of factual controversies in relation to his possession of the property and also the character of the land. In the said circumstances, this Court in exercising of its jurisdiction cannot undertake any factual adjudication and render any finding. It is entirely within the realm of civil Court to appreciate the competing averments of the petitioner and the official respondents and in that event, the writ petition as against the proceedings of the 1st respondent has to be held as not maintainable. It is open to the petitioner to workout his remedy before the authorities concerned in a manner known to law. However, it is certainly not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India for the kind of relief as sought in this writ petition.

4. For the above said reasons, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Principal of Secretary and Commissioner of
Land Administration (FAC),
Chepauk,
Chennai 600 005.
2. The District Revenue Officer,
Sivagangai.
3. The Revenue Divisional Officer,
Devakottai.



4.The Tahsildar,
Devakottai.

+1 CC to M/s.SPL GP (SR-9473[F] dated 08/03/2021)

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KB (07.04.2021) 3P 6C

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