



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.13584 of 2021

A.Mahadevan

... Petitioner

versus

- 1.The Secretary/Department of Revenue,
Government of Tamil Nadu,
Secretariat, Chennai.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The Revenue Divisional Officer,
RDO Office,
Sub Collector Office Road,
Dindigul.
- 4.The Tahsildar,
Natham, Dindigul.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents particularly 1st and 2nd respondent to return back the land to him and his family is situated in Survey No.357/7 at Sirangattupatty Village, Natham Taluk, Dindigul District and consider his representation dated on 03.02.2021.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.R.Baskaran

ORDER

The petitioner seeks the return of the land bearing Survey No.357/7 at Sirangattupatty Village, Natham Taluk, Dindigul District.

2. According to the petitioner, the aforesaid land was owned by his family and his mother had transferred the land for nominal consideration on 25.02.1999. It is stated that the said land was transferred so as to enable the provision of free house site patta for the poor. On account of the fact that such pattathars failed to construct a house, it is stated that all the pattas were cancelled. In these facts and circumstances, the petitioner seeks return of such land and is also ready and willing to pay a reasonable amount for the same.

3. Mr.R.Baskaran, learned counsel for the State, accept notice on behalf of all the respondents.

4. The only documents filed by the petitioner are the list of beneficiaries to whom house site pattas were issued and which were cancelled subsequently as per the petitioner. In addition the death certificate of the petitioner's mother has been filed and an encumbrance certificate has been produced. The said encumbrance



certificate indicates that some receipt was executed in favour of the petitioner's mother under Documents No.506 of 2000. Apart from this, the petitioner has not produced any documents evidencing the fact that his mother had conveyed this property for the purpose of granting free house site pattas to the homeless. As such, a mandamus cannot be issued on the basis of the facts and documents on record. 5. Accordingly, W.P.(MD).No.13584 of 2021 is disposed of without any order as to costs. However, it will be open to the petitioner to submit a fresh representation to the official respondents by annexing all material documents.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Sbn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary/Department of Revenue,
Government of Tamil Nadu,Secretariat, Chennai.

2.The District Collector,
Dindigul District,Dindigul.

3.The Revenue Divisional Officer,
RDO Office,Sub Collector Office Road,Dindigul.

4.The Tahsildar,
Natham, Dindigul.

+1 CC to M/s.S.SIVA MUMAR, Advocate (SR-25571[F] dated 06/08/2021)

+1 CC to M/s.GP (SR-25634[F] dated 09/08/2021)

W.P(MD)No.13584 of 2021

06.08.2021

MGJ(13.08.2021) 2P 7C