



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2021

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD) No.14666 of 2021

and

W.M.P.(MD).No.11598 of 2021

WEB COPY

- 1.P.Chinnakalai
- 2.P.Mariappan
- 3.C.Malliga
- 4.T.Sumathi
- 5.V.Rajasekar

... Petitioners

Vs.

- 1.The District Collector,
Dindigul District.
- 2.The Superintending Engineer,
Highways Department,
Madurai.
- 3.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Palani, Dindigul District.
- 4.The Assistant Engineer,
Highways Department,
Vedasandur,
Dindigul District.
- 5.The Thasildar,
Vedasandur Taluk,
Dindigul District.
- 6.The President,
Thattarapatti Panchayat,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to issue patta to the petitioner in respect of respective shops situated at S.No.1802, Eriyodu Main Road, Vellanampatti Village, Srirampuram Post, Vedasandur Taluk, Dindigul District by considering the petitioners' representation dated 01.10.2021 within a time limit

For Petitioners : Mr.VR.Shanuganathan

<https://hcservices.ecourts.gov.in/hcservices/>



For Respondents : Mr.Subbaraj
Counsel for State for R1 to R5
Mr.R.Suresh Kumar for R6

O R D E R

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The petitioners seek patta in respect of their respective shops at Survey No.1802, Eriyodu Main Road, Vellanampatti Village, Srirampuram Post, Veda sandur Taluk, Dindigul District.

2. The petitioners assert that each of them has been running small shops at the property in the aforesaid survey number for more than 60 years. It is also stated that the petitioners are primarily dependent on the income earned from the business run at such shops.

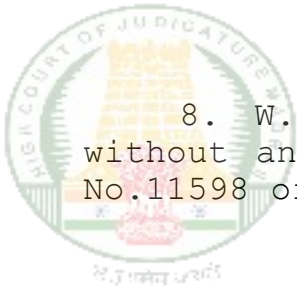
3. The petitioners state that one Muthu Samy, who had purchased an adjacent land, had filed W.P.(MD).No.4971 of 2021 before this Court in respect of encroachment in Survey No.263/2C. On the basis of orders passed therein, it is stated that action is being initiated in respect of the property occupied by the petitioners. The present writ petition is filed in the said facts and circumstances seeking patta.

4. The learned counsel for the petitioner fairly states that a patta cannot be requested in light of the fact that the land in question is public land. Nevertheless, he states that the petitioners are entitled to an assignment in respect thereof.

5. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents 1 to 5 and Mr.R.Suresh Kumar, learned counsel, accepts notice on behalf of the sixth respondent. Mr.P.Subbaraj, learned counsel for the State, submits that the petitioner's representation may be considered and disposed of on merits.

6. The official respondents have to take into consideration the classification and nature of the land in question before taking a decision in the matter. The said respondents should also take into account the relevant board standing orders in relation to assignment of land. However, the petitioners have enclosed copies of licences issued by the Department of Industries and Factories for the conduct of business and also certificates issued by the FSSAI Department. Therefore, a case is made out to consider the representation.

7. In these facts and circumstances, without going into the merits of the matter, the fifth respondent herein is directed to consider the petitioners' representation dated 01.10.2020 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioners and any other persons who would be affected thereby. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.



8. W.P.(MD).No.14666 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P.(MD).No.11598 of 2021 is closed.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Sbn

To

- 1.The District Collector,
Dindigul District.
- 2.The Superintending Engineer,
Highways Department,
Madurai.
- 3.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Palani, Dindigul District.
- 4.The Assistant Engineer,
Highways Department,
Vedasandur, Dindigul District.
- 5.The Thasildar,
Vedasandur Taluk, Dindigul District.
- 6.The President,
Thattarapatti Panchayat,
Dindigul District.

+1 CC to M/s.GP (SR-26772[F] dated 19/08/2021)

W.P.(MD) No.14666 of 2021

and

W.M.P.(MD).No.11598 of 2021

18.08.2021

RD(26.08.2021) 3P 8C