



W.P.No.26040 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26040 of 2014

V.Rajabather

... Petitioner

vs.

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Tahsildar,
Polur Taluk, Polur,
Thiruvannamalai District.

3.The Village Administrative Officer,
Ananthapuram Panchayat,
Polur Taluk, Thiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from issuing patta to any third person name regarding patta no.1359 and S.F.No.306/1C and 306/2C 0.92 acre belongs to the petitioner which is in Pudur Kollaiedu Village, Polur Taluk, Thiruvannamalai District.

For Petitioners	: Mr.A.E.Kalaiselvan
For Respondents	: Mr.Yogesh Kannadasan Special Government Pleader



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ORDER

WEB COPY The petitioner has filed this petition for issuance of writ of Mandamus forbearing the respondents from issuing patta to any third person name regarding patta no.1359 and S.F.No.306/1C and 306/2C 0.92 acre belongs to the petitioner which is in Pudur Kollaimesu Village, Polur Taluk, Thiruvannamalai District.

2. The case of the petitioner is that his family owns 12 acres of agriculture land in the above said village and after the demise of his father, the brothers including the petitioner are jointly enjoying the properties and is in peaceful possession of the same. While so, some land grabbing persons are attempting to get patta in their name by way of undue influence. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner made representation on 25.07.2014 with all documents and requested the officials to not to issue patta to any third persons regarding the patta no.1359, however though the respondents received the petition, they are attempting to issue patta in the name of some third persons by colluding with them.



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4. The learned Special Government Pleader appearing for the official respondents submitted that the petitioner has filed this petition seeking anticipatory mandamus, which cannot be granted by this Court and further as submitted by the learned counsel for the petitioner, if at all any person tried to get patta for the petitioner's land, they should be arrayed as party in the writ petition, however the petitioner does not implead any such person as respondent in the present petition and therefore, prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. Facts in the present case is not in dispute. Admittedly he is the owner of the property in S.F.NO.306/1B, 306/2C, admeasuring an extent of 0.92 cents vide patta no.1359. On perusal of the records reveals that the petitioner has filed this petition only based on the mere presumption that some third parties tried to get patta in collusion with the revenue officials, however no specific allegation is levelled against any specific individual and therefore, filing writ petition based on the presumption cannot be entertained and hence, the prayer



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sought for by the petitioner cannot be granted and thereby it deserves dismissal.

However liberty is granted to the petitioner, if apprehension arises, to canvass all the points before the 2nd respondent Tahsildar.

7. For the reasons aforesaid, this Writ Petition is dismissed. No costs.

04.07.2022

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To

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Tahsildar,
Polur Taluk, Polur,
Thiruvannamalai District.
- 3.The Village Administrative Officer,
Ananthapuram Panchayat,
Polur Taluk, Thiruvannamalai District.



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M.DHANDAPANI, J.
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