



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29731 of 2014

L.Nagesh

...Petitioner

Vs.

1. State of Tamil Nadu
Rep. by its Principal Secretary
to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
Krishnagiri District.
3. The Tahsildar,
Hosur, Krishnagiri.

...Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent relating to the proceedings in Mu.Mu.13188/2013/C2 dated 05.02.2013 quash the same and consequently direct the third respondent herein to grant assignment to the petitioner in respect of the lands measuring an extent of 0.33.0 ares, comprised in Survey No.202, situate at Zuzuvadi Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.R.Bharath Kumar

For Respondents: Ms.Akila Rajendran
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent relating to the proceedings in Mu.Mu.13188/2013/C2 dated 05.02.2013, quash the same and to consequently direct the third respondent to grant assignment to the petitioner in respect of the lands measuring an extent of 0.33.0 ares, comprised in Survey No.202, situate at Zuzuvadi



Village, Hosur Taluk, Krishnagiri District.

2.The case of the petitioner is that the petitioner made application dated 10.04.2011 to the respondents seeking to issue patta for the subject lands in his favour, however, vide impugned proceedings, his request was rejected on the ground that there is a ban for granting patta in G.O.No.1168, Revenue Department, dated 25.07.1989. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the respondents issued patta in respect of the lands in S.No.204 of the same village, however, denied to grant patta in favour of the petitioner, which is not sustainable one.

4.The learned Government Advocate submitted that the subject land has been classified as 'Dharma Thoppu' land and as per G.O.No.1168, Revenue Department, dated 25.07.1989, there is a ban for issuing patta in respect of the above category of land. The petitioner, without challenging the said Government Order has filed this writ petition, which is not sustainable one.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The petitioner made application dated 10.04.2011 to the respondents seeking to issue patta in his favour, for the subject lands that has been classified as 'Dharma Thoppu', and vide impugned proceedings, his request was rejected on the ground land that as per G.O.No.1168, Revenue Department, dated 25.07.1989, there is a ban for issuing patta in respect of the above category of land. Unless the petitioner challenges the said Government Order, filing of the writ petition is unsustainable one. Hence, the prayer sought for in this writ petition cannot be granted.

7.This writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law after lifting the ban. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. Principal Secretary
to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.

2. The District Collector,
Krishnagiri District.

3. The Tahsildar,
Hosur, Krishnagiri.

+1cc to M/s.R.Bharathkumar, Advocate, S.R.No.34992

W.P.No.29731 of 2014

SJ(CO)
RGA(30/06/2022)