



W.P(MD)No.5200 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.5200 of 2012

A.Imthiyas Ahamed Maraikkayar

... Petitioner

Vs.

1.The Principal Secretary and
Commissioner of land Administration,
Elilagam,
Cheppakkam,
Chennai-600 005.

2.The District Revenue Officer,
Ramanathapuram.

3.The Revenue Divisional Officer,
Ramanathapuram District.

4.The Tahsildar,
Ramanathapuram.

5.Athithan

6.Kalimuthammal

... Respondents

(R5 and R6 are impleaded vide Court order,
dated 29.08.2022 in W.M.P(MD)No.11266 of
2022)



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining the order in G2/12512/2011, dated 23-01-2012 and its consequential proceedings on the file of the first respondent and to quash the same as illegal, unjust, unconstitutional and without jurisdiction and directing the respondent to hear the petitioner's petition dated 09-05-2011 and to pass an order on merits in accordance with law within a stipulated period fixed by this Court.

For Petitioner : Mr.S.A.Ajmal Khan

For R1 - R4 : Mr.A.Baskaran
Additional Government Pleader

For R5 & R6 : No Appearance

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which the assignment order granted in favour of the respondents 5 and 6 has been confirmed.

2. According to the learned counsel for the petitioner, the petitioner is the owner of Survey Nos.458/3A2 and 469/6A2, for which there was a suit for partition and some shares have been allotted in favour of the writ petitioner. The Survey Nos.550/5 and 550/6 of



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Kanchirangudi village are admittedly Government poramboke properties.

They have been assigned in favour of respondents 5 and 6 on the ground that they are landless poor persons. The petitioner herein is in no manner connected with these two Survey Numbers, namely 550/5 and 550/6. However, according to the learned counsel for the petitioner, the petitioner is having access to his property only through Survey Nos. 550/5 and 550/6. In view of assignment granted in favour of respondents 5 and 6, his right of the access has been affected. That apart, respondents 5 and 6 are not really landless poor persons and they are ineligible to get any free assignment from the Government.

3. A perusal of the orders passed by the authorities would clearly indicate that the petitioner and his co-sharers are claiming right of access through Government poramboke. In case, if the petitioner is claiming any right of easement or right of any pathway over the Government poramboke property, namely Survey Nos.550/5 and 550/6, the revenue authorities have no jurisdiction, whatsoever to consider his request. On the other hand, if the authorities find that respondents 5 and 6 are not eligible to get any assignment patta, it is for them to initiate action independently.



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4. In view of the above said facts, I find that the petitioner has no *locus standi*, whatsoever to question the order of assignment granted in favour of respondents 5 and 6. In view of the fact that the petitioner has no *locus standi*, this Court has not gone into the merits of the case. The petitioner is at liberty to approach the competent Civil Court to exercise his right of access through the Government poramboke, namely Survey Nos.550/5 and 550/6.

5. With the above said observations, this Writ Petition is disposed of. No costs.

12.10.2022

Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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Order made in
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