



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1768 of 2022

WEB COPY

Danasekar

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Sivagangai.

2.The Tahsildar,
Taluk Office,
Thiruppuvanam Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first and second respondents herein to issue patta on the basis of the petitioner's representation dated 07.01.2022.

For Petitioner : Mr.C.Jeganathan
For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader.

ORDER

Heard Mr.C.Jeganathan, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader who takes notice on behalf of the respondents.

2. This Writ Petition has been innocuously filed in the nature of Mandamus after giving a representation on 07.01.2022 seeking a direction to the first and second respondents to issue patta to the petitioner herein, with respect to a house which has been constructed by the petitioner in Door No.2/462, Keeladi, Tiruppuvanam Taluk, Sivagangai District.

3. The mother-in-law of the petitioner, had been originally granted 2C patta for the land in Survey No.186, in Keeladi Village measuring about 2 cents in Manamadurai. The concept of 2C patta is that the person who has the benefit of the 2C patta can only pluck the fruits or nuts from the trees which are available in the said lands. No further right can be laid over the land. Even if the trees fall, the holder of 2C patta cannot exploit the fallen trees also.



4. Normally, 2C patta is granted to the lands which are adjacent to an Odai or a Kanmai. Here it is not the petitioner who had the benefit of such a 2C patta but his mother-in-law. It is not known that apart from the petitioner's wife, who are the other legal heirs of the mother-in-law. The name of the mother-in-law had also not be given in the affidavit. Thereafter, the petitioner appears to have constructed a house in the said land. He had no rights to put up such construction. If he had put up such construction, then it is on his own risk.

5. It is informed by Mr.N.Satheesh Kumar, learned Additional Government Pleader that in the ''A'' Register the lands are classified as Pallikoodam Vandipathiai and there is actually a Government School in the said land. The constructed portion of the petitioner is only adjacent to the Government School. Taking advantage of that particular fact, a representation had been ostensibly given seeking benefit under G.O.Ms.No.372 dated 26.08.2014.

6. The object behind issuing that particular Government Order is to grant patta to those who can construct houses in Government lands and an extension was granted of time period for grant of such permission. Here the original patta was only 2C patta and the petitioner can never claim any rights over the land. That was the condition under which the 2C patta is granted.

7. I am not inclined to grant Mandamus to be issued because that would be violative of the fact that the petitioner originally had no right to put up construction over the lands. It will be in the nature of calling upon the respondents to regularize the illegal act done by the petitioner.

8. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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



To

1.The District Collector,
Office of the District Collector,
Sivagangai.

2.The Tahsildar,
Taluk Office,
Thiruppuvanam Taluk,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-3692[F] dated 02/02/2022)

W.P. (MD) .No.1768 of 2022
01.02.2022

MGJ(11.02.2022) 3P 4C