



WP(MD)N.26722 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.26722 of 2022

D.Radhika

... Petitioner

Vs

1.The Revenue Divisional Officer,
Pudukkottai Revenue Division,
Pudukkottai District.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the second respondent to issue patta in respect of property comprised in Survey No.209 having an extent of 0.59.0 hectares situated at Meyyapatti (Thirumayam) Village, Thirumayam Taluk, Pudukkottai District by considering the representation of the petitioner dated 19.08.2022.

For Petitioner :Mr.C.Gangai Amaran

For Respondents: Mr.D.Gandhiraj
Special Government Pleader



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ORDER

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This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the second respondent to issue patta in respect of property comprised in Survey No.209 having an extent of 0.59.0 hectares situated at Meyyapatti (Thirumayam) Village, Thirumayam Taluk, Pudukkottai District, by considering the representation of the petitioner, dated 19.08.2022.

2. Heard the learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner's mother, namely, Palaniyayee was issued assignment patta in Patta No.712 dated 21.12.1984 in respect of the property comprised in Survey No.209 measuring to an extent of 0.59.0 hectares situated at Meyyapatti (Thirumayam) Village, Thirumayam Taluk, Pudukkottai District, by the Special Tahsildar, Thirumayam under UDR Scheme. Thereafter, the petitioner's mother availed loan from the Thirumayam Village Agricultural Co-operative Society by mortgaging the said property and the said amount was repaid by the petitioner on 28.01.2022 and to that effect, the Secretary to the Society issued necessary receipt and certificate



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stating that the petitioner cleared the loan amount as on 28.01.2022 and no loans are pending. On 08.08.2020, the petitioner's mother had died. Thereafter, the subject property is under the possession of the petitioner. While that being so, the adjacent land owners are trying to grab the land which was assigned to petitioner's mother as if the said land belongs to them, since necessary boundaries were not properly marked. Hence, the petitioner decided to survey the subject property. In this regard, an application was sent to the respondents on 19.08.2022, but no action has been taken so far. Hence, the petitioner is before this Court by filing this petition with the aforesaid prayer.

4. The learned Special Government Pleader appearing for the respondents submitted that the subject property is classified as 'mdhjPdk;'. Hence, the prayer sought by the petitioner cannot be considered. He further submitted that the said assignment of land granted in favour of the Palaniyayee was cancelled by order, dated 24.10.1985, vide proceedings in ,2/42726/83 issued by the District Revenue Officer, Pudukkottai, wherein the reason for cancellation of the said assignment patta was stated that they already have a land in Patta No.297 measuring to an extent of 0.36.5 hec. as Punja land and 2.430 hec. as Nanja land.



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5. In view of the submission made by the learned Special Government Pleader, the petitioner has not made out any *prima facie* case. Hence, this Court is not inclined to entertain this petition. Accordingly, the Writ Petition stands dismissed. No costs.

28.11.2022

Index : Yes/No

Internet: Yes/No

Rmk

To

1. The Revenue Divisional Officer,
Pudukkottai Revenue Division,
Pudukkottai District.

2. The Tahsildar,
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Pudukkottai District.



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V.BHAVANI SUBBAROYAN,J.,

Rmk

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