



WEB COPY



Writ Petition No.29861 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11/1/2023

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.29861 of 2023

a n d

W.M.P.No.2580 of 2016

Karthikeyan

...

Petitioner

Vs

1. The District Revenue Officer/Collector
Thirvannamalai
Thiruvannamalai District.

2. The Tahsildar
Arani
Thiruvannamalai District.

3. The President of Panchayat
Azagusenai Village Panchayt Board
West Arni
Thiruvannamalai District.

4. The Block Development Officer
West Arni
Thiruvannamalai District.

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus to forbear the respondents 3
and 4 from interfering with the petitioner's peaceful possession and



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enjoyment of the lands in S.No.413/10 measuring 1.06 acres situated at Azagusenai Village, West Arni Block, Thiruvannamalai District, without following the due process of law.

For Petitioner	...	Mr.P.Ganapathy
For respondents	...	Mr.S.Rajesh Government Advocate for R.R.1 and 2
		No appearance for R.R.3 and 4.

ORDER

This writ petition has been filed to forbear the respondents 3 and 4 from interfering with the petitioner's peaceful possession and enjoyment of the lands in S.No.413/10 measuring 1.06 acres situated at Azagusenai Village, West Arni Block, Thiruvannamalai District, without following the due process of law.

2. The case of the petitioner is that the petitioner's grandfather purchased the agricultural land, comprising in S.No.413/10 measuring 1.16 acres, situated at Azagusenai Villai, under the registered sale deed dated 9/8/1942. At the time of settlement by the settlement authorities, in the year



1959, lands were classified as Eri poramboke, without notice to the petitioner's grand father.

3. Petitioner's grand father and others sent a petition, dated 12/12/1961 to the Settlement Officer to grant patta in respect of land. Vide, Proceeding dated 28/12/1961, it has been stated that settlement has already been introduced in respect of this Village in fasli 1369 and accounts were handed over to the Revenue Department and further, advised to approach the Revenue authorities to seek patta.

4. Accordingly, the grandfather of the petitioner had approached the revenue authorities on several occasions for grant of patta. Grandfather of the petitioner died in the year 2000 and father of the petitioner died in the year 1991. Thereafter, petitioner had also made efforts to obtain patta.

5. The main grievance of the petitioner is that patta was granted to the neighbourhood cultivators, in view of G.O.Ms.No.1300, Revenue Department, dated 30/4/1971. But petitioner was not granted with patta. Hence, the petitioner has come forward with the present writ petition praying for the relief as stated therein.



6. Heard Mr.P.Ganapathy, learned counsel for the petitioner and Mr.S.Rajesh, learned Government Advocate for the first respondent. There is no representation on behalf of the respondents 3 and 4.

7. Learned counsel appearing for the petitioner submitted that construction has been made in 10 cents of the land and the remaining area is in possession of the petitioner.

8. Mr.S.Rajesh, learned Government Advocate appearing for the respondents 1 and 2 submitted that under MGNREGS Scheme, building has been constructed in the year 2014 itself. At that time, objection was not raised by the petitioner. Hence, the writ petition is not maintainable.

9. As the petitioner is claiming right of the ownership, the very contention of the petitioner is that the land has been classified in the year 1959 as Eri Poramboke, on the basis of the earlier sale deed, dated 9/8/1942. Even though, the petitioner claims to be in continuous possession and enjoyment of the property for a long number of years, right of the petitioner cannot be decided in this writ petition.



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10. In such a view of the matter, this writ petition is dismissed. It is well open to the petitioner to approach the Civil Court for appropriate remedy. No costs. Consequently, the connected Miscellaneous Petition is closed.

11/1/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

Neutral Citation: Yes/No

mvs.

To

1. The District Revenue Officer/Collector
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Thiruvannamalai District.
2. The Tahsildar
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