



WEB COPY

WP No.14025 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 01-06-2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**WP No.14025 of 2023**

Ayyakutty

... Petitioner

Vs.

1.The District Collector,  
Kallakurichi District,  
Kallakurichi.

2.The Revenue Divisional Officer,  
Kallakurichi District,  
Kallakurichi.

3.The Thasildar,  
Chinnasalam Taluk,  
Kallakurichi District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 21.04.2023 in accordance with law and direct the third respondent to issue free patta to the petitioner in his Natham land measuring about 3 cents bearing Survey No.159/1, situated at



Then Siruvalur Village, Chinna Salem Taluk, Kallakurichi District.

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For Petitioner : Mr.R.Srinivasa Rao

For Respondents : Mr.T.Arunkumar,  
Additional Government Pleader.

### **ORDER**

The relief sought for in the present writ petition is to direct the respondents to consider the representation of the petitioner dated 21.04.2023 in accordance with law and direct the third respondent to issue free patta to the petitioner in his Natham land measuring about 3 cents bearing Survey No.159/1, situated at Then Siruvalur Village, Chinna Salem Taluk, Kallakurichi District.

2. Grant of 'Free Patta' under Government Welfare Scheme cannot be claimed as a matter of right. The High Court Cannot issue a direction even to consider the representation, which would do no service to the cause of justice. The person approaching the High Court has to establish his right to secure the relief in writ proceedings.



3. In the present case, the petitioner submitted representation seeking 'Free Patta' in respect of the Government land.

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4. The learned counsel appearing on behalf of the petitioner states that the petitioner is in occupation of the Government land for several years. Mere occupation would not confer any right on the part of the petitioner for grant of 'Free Patta'.

5. 'Free Patta' is to be granted by the Government if any Scheme is in force and even while granting 'Free Patta', the Government has to assess the eligibility and other criteria to be fixed under the Scheme. The Government cannot discriminate in granting 'Free Patta' to the eligible candidates.

6. Thus in the event of introducing any Scheme by the Government, the petitioner has to submit an application for grant of 'Free Patta' and not otherwise. Mere possession of the Government land would not confer any right nor provide cause for filing the present writ petition. By getting an order of direction to consider the representation, the petitioner



cannot establish any right.

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7. Accordingly, the present writ petition stands dismissed.

However, there shall be no order as to costs.

**01-06-2023**

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn



To

1. The District Collector,  
Kallakurichi District,  
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**S.M.SUBRAMANIAM, J.**

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