



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17560 of 2023

K.Sampath

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Chengalpattu,
Chengalpattu District.

2.The Tahsildar,
Office of the Tahsildar,
Chengalpet,
Chengalpet District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent herein to consider the representation dated 12.04.2023 accordance with law and issue patta for the property comprised in S.No.254/3C1 for an extent of 10 cents, situated at Pulipakkam Village, Chengalpet Taluk & District.

For Petitioner : Mr.K.Durai Murugan

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader



ORDER

The relief sought for in the present writ petition to direct the 2nd respondent herein to consider the representation dated 12.04.2023 in accordance with law and issue patta for the property comprised in S.No.254/3C1 to an extent of 10 cents, situated at Pulipakkam Village, Chengalpet Taluk & District.

2. Merely issuing a direction to consider the representation would do no service to the cause of justice. Contrarily, the litigants are back again to the High Court by filling another writ petition. Such a practice of issuing a direction in a routine manner would cause prejudice to the public services performed by the administrators. Therefore, the High Court in the event of ascertaining a right has to issue such direction. In other words, in the absence of establishing any rights no such direction even to consider a representation is to be granted under Article 226 of the Constitution of India.

3. Establishing a right is a precondition for entertaining a writ proceeding. In the present case, the petitioner states that he is in occupation



of a portion of the land and residing there. However, the petitioner could not furnish any order of assignment or title document or otherwise. Mere occupation in a land would not confer any title for the purpose of grant of patta under the provisions of the Patta Pass Book Act, 1983. If at all the petitioner claims that he is the owner of the property, he has to establish the same through Civil Court of Law by producing documents and evidences.

4. Contrarily, merely based on a statement made in a writ proceeding, High Court cannot issue a direction to grant patta or even to consider the application for grant of patta. It is not as if the authorities are to be directed in a routine manner to dispose of all the representations, since such a direction would affect their performance of public duties, which all are to be performed efficiently. Thousands of such representation are made to the public authorities. Therefore, they have to consider the application, wherever the rights are established or infringed and not otherwise.

6. This being the principles to be adopted, the petitioner has not established even a semblance of legal right for the purpose of considering the relief as such sought for in the present writ petition.



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7. Accordingly, this Writ Petition stands dismissed. No costs.

14.06.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

1.The District Collector,
Office of the Collectorate,
Chengalpattu,
Chengalpattu District.

2.The Tahsildar,
Office of the Tahsildar,
Chengalpet,
Chengalpet District.



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S.M.SUBRAMANIAM, J.

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