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W.P.No.17274 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.17274 of 2023

Mr.S.Murugesan

... Petitioner

Vs.

1.The Tahsildar,
Talluk Office,
Hosur, Krishnagiri.

2.The Revenue Inspector,
Office of the Revenue Inspector,
Manthigiri, Hosur Taluk,
Krishnagiri District.

...Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 09.02.2023 and issue patta to the petitioner's land situated in Survey Nos.722/A2 and 743/B measuring about 0.02.0 Hectares at Midigiripalli Village, Mathigiri Post, Hosur, Krishnagiri.

For Petitioner : Mr.b.Thirumalai

For Respondents :
(for R1 to R3) : Mr.G.Krishna Raja, A.G.P.



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ORDER

The relief sought for in the present writ petition is to direct the first respondent to consider the petitioner's representation dated 09.02.2023 and issue patta to the petitioner's land situated in Survey No.722/A2 and 743/ B measuring about 0.02.0 Hectares at Midigiripalli Village, Mathigiri Post Hosur Krishnagiri.

2.The petitioner states that his grandfather late Mr.Balan was in possession of the agricultural land situated at Manthigiri Revenue Village, Hosur Taluk and Krishnagiri District in Survey No.721/2, 722/A1, 722/A2, 722/A3 and 743/B. The Government allotted the said land for the purpose of welfare and development of the Schedule caste and Tribal community. The Government allotted the said land to late Mr.Balan, who was one of the beneficiaries of the scheme as Panjami land with a condition that the beneficiary and his legal heirs only can possess the land and cannot alienate the Panjami land to any other third person. After the demise of the Mr.Balan, the father of the petitioner was in possession of the land and thereafter, the petitioner is in possession.



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3.The petitioner states that he submitted an application for patta for all the said lands and the patta was granted for survey nos.721/2, 722/A1 & 722/A3, but the respondents has not issued patta for the survey no.722/A2 and 743/B. Thereafter, the father of the petitioner approached the respondents for issuance of patta. He has not been granted the patta on the ground that the land was classified as Meikal Poramboke.

4.The learned Additional Government Pleader, appearing on behalf of the respondents, brought to the notice of this Court that even in the representations submitted by the writ petitioner on 09.02.2023, the petitioner has stated that the classification of the land has been erroneously stated as Government Meikal poramboke. Therefore, the petitioner admitted the fact that the land has been classified as Government Meikal Poramboke but it has been wrongly stated in the revenue records. Once it is classified as Government Meikal Poramboke, the said land cannot be assigned in favour of any person.

5.It is not made clear in the affidavit that whether the classification was modified or otherwise in respect of the subject property. There are



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many discrepancies in the facts narrated by the petitioner and it is not made clear whether any assignment has been made in favour of the grandfather of the petitioner and such assignment was granted on condition or otherwise. In the absence of any of these factors, the High Court will not be in a position to form an opinion whether the land was assigned with a condition or it was classified as Government Meikal Poramboke or Panjami land or otherwise. Based on such ambiguous facts, the people are getting an order to consider a representation and such orders are resulting in anomalous situation. Mere direction to dispose of the writ petition would do no service to the cause of justice. Contrarily, the litigants be back again and they are work out their remedy in a corrupt manner. Many such probabilities are there in the event of issuing such general orders. Therefore, in all circumstances the rights of the parties are to be determined by the Courts even for issuing a direction to consider the representation. In the absence of establishing any right, the High Court will not be in a position to issue a direction to consider the representation.

6.By issuing a direction generally to consider the representation on some occasion would be causing infringement of right of some other persons who all are not parties before the Court since such directions are



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obtained mostly at the admission stage and the property interest of the other parties are not brought to the knowledge of the High Court. That apart, by getting such directions, the parties are working out their remedy with the officials in a corrupt manner and by securing such orders, they claim titles or ownership. It is one of the *modus operandi* for grabbing of public property or somebody's property. The High Court cannot pave way for such *modus operandi* for such persons.

7.In the present case, this Court is not forming a final opinion that the petitioner is making such an attempt. However, the discrepancies in the facts are creating a strong doubt in the mind of the Court. On the one hand the petitioner states that it is a panjami land, on the other hand he states that it was reclassified as Government Meikal Poramboke, thirdly he says that his grandfather was in possession of the land, further he states that it is a wrong entry made as per the Government Officials. These facts would be insufficient for the High Court to confer any right on the petitioner. In absence of a clear right, no writ is entertainable. Therefore, mere general direction if issued, would result in causing infringement of right to any other private party or to the Government.



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8.No doubt, the officials, on receipt of any representation, has to consider the same and pass orders. However, in the absence of any right, mere representation would be insufficient to consider the same. The genuineness of the representation and the infringement of right to be established are of paramount importance for the purpose of considering the same. In the absence of any valid document or establishing right, no such direction can be issued more specifically in property matters, since there is a growing trend of grabbing the government properties and interfering with the private properties in view of the sky rocketing market value in respect of immovable properties. Therefore, mere direction to consider the representation would do no service to the cause of justice.

9.When the petitioner claims title over the property by stating that his grandfather was allotted with a land and the allotment order has been produced before this Court and he himself admits that it was wrongly classified as Government Meikal poramboke by the officials, and this Court is of an opinion that the District Collector, Krishnagiri district, has to find out all these discrepancies in the matter of allotment, or assignment or grant of patta and initiate all appropriate actions to protect the government land and to ensure that the patta has been granted only by



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following the procedures as contemplated under the patta passbook act and in the event of any dispute, the parties are to be relegated to approach the competent Civil Court of law.

10.For the purpose of conducting enquiry, the District Collector, Krishnagiri has been *suo motu* impleaded as the third respondent in the writ petition and the learned Additional Government Pleader takes notice on his behalf. Accordingly, the District Collector is directed to verify the revenue records and ascertain the validity of the assignments or otherwise granted in favour of the persons and initiate all appropriate actions to protect the public property in the manner know to law. The said exercise is directed to be done within the period of 8 weeks from the date of receipt of a copy of this order

11.With the above directions, the writ petition stands **disposed of**.
However, there shall be no order as to costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

To

- 1.The Tahsildar,
Talluk Office,
Hosur, Krishnagiri.
- 2.The Revenue Inspector,
Office of the Revenue Inspector,
Manthigiri, Hosur Taluk,
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