



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.1378 of 2022

WEB COPY

Shanthi

... Petitioner

Vs.

1.The District Collector,
Pudukottai District.

2.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Aranthangi Taluk,
Pudukottai District.

3.The Thasildhar,
Aranthangi Taluk,
Pudukottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue patta in the petitioner's name to the property comprised in Sur.No.145/1, situated at Duraiyarasapuram Village, Panchathi Post, Aranthangi Taluk, Pudukottai District.

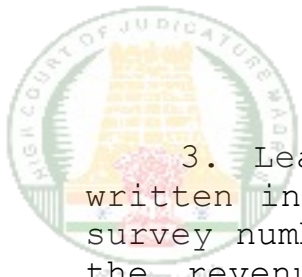
For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The writ petition has been filed in the nature of a mandamus seeking a direction to the respondent to grant patta to the petitioner for property in survey No.145/1, situated in Duraiyarasapuram Village, Panchathi Post, Aranthangi Taluk, Pudukottai District.

2. In the affidavit, filed in support of the writ petition, it had been stated that the petitioner has been in possession and enjoyment of the said property. Ration Card and Aadhaar Card had also been issued. However the respondent had issued a notice to the petitioner claiming that the petitioner is an encroacher. The petitioner had earlier filed W.P.(MD)No.21058 of 2021. it is stated that petitioner had given a representation seeking patta for the said land.



3. Learned Special Government Pleader, however, forwarded a written instructions, wherein it had been stated that the land in survey number 145/1 which is a vacant natham land is classified in the revenue record as Sarkar poromboke. It totally measures 0.19.5 acres. It is also stated that the petitioner has further lands at survey number 145/33.

4. In view of that particular fact, a mandamus cannot be issued to the respondents directing them to issue patta, but however, the respondents may consequent to the notice already issued, conduct necessary enquiry and pass necessary orders. The petitioner had still not impleaded Rakkammal who was directed to be impleaded as respondents in the order dated 27.01.2022.

5. The writ petition stands dismissed. No costs.

6. The respondents are permitted to proceed further in the manner known to law, since the respondents had already issued notice that the petitioner as an encroacher. Though petitioner may give a representation the fact remains that the land is Government Poromboke land in the revenue records.

Sd/-

Assistant Registrar(AE)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

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To

1.The District Collector, Pudukottai District.

2.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Aranthangi Taluk, Pudukottai District.

3.The Thasildhar,
Aranthangi Taluk, Pudukottai District.

W.P(MD) No.1378 of 2022

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