



W.P.(MD)No.6393 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.6393 of 2021

and

W.M.P.(MD)No.4992 of 2021

R.Chokklaingam

... Petitioner

-VS-

1.The District Collector,
Pudukkottai.

2.The District Revenue Officer,
Pudukkottai.

3.The Revenue Divisional Officer,
Illupur Taluk, Pudukkottai.

4.The Tahsildar,
Illupur Taluk, Pudukkottai.

5.The Tahsildar,
Kulathur Taluk, Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling call for records of the fourth respondent in Na.Ka.A3/2514/2019, dated 21.08.2019, quash the same as illegal and arbitrary and in consequence thereof direct the fourth



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respondent to carry out the entries in revenue records for S.No.137/1 of Keelakurichi Village, Illuppur Taluk and Pudukkottai District, as per the order of assignment dated 31.10.1976.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the fourth respondent, dated 21.08.2019 and for a consequential direction to the fourth respondent to carry out the necessary entries in the revenue records in the name of the petitioner and other legal heirs with respect to the subject property in Survey No.137/1 of Keelakurichi Village, Illuppur Taluk, Pudukkottai District.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Government Advocate appearing on behalf of the respondents.

3. The case of the petitioner is that an extent of 2.51 Acres of dry land in Survey No.137/1 was assigned in favour of the petitioner's father in the



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year 1976 and the necessary Patta was also issued on 31.10.1976. The property was utilized for agricultural purposes. The father of the petitioner died in the year 1993, leaving behind the petitioner and other legal heirs.

4. Right from the beginning, the name of the father of the petitioner was not mutated in the revenue records. Therefore, a representation was made in the year 2015, requesting for mutation of the Patta in the name of the petitioner's father. Since the same was not acted upon, a Writ Petition was filed before this Court in W.P.(MD)No.8865 of 2015 and this Writ Petition was disposed of by order dated 15.04.2019, directing the fourth respondent to consider the same.

5. Pursuant to the above order, the fourth respondent through the impugned proceedings, dated 21.08.2019, rejected the claim made by the petitioner on the ground that this property had already been handed over for the construction of Veterinary Hospital by virtue of a resolution passed by the Panchayat on 07.02.2014 itself. Aggrieved by the same, the present Writ Petition has been filed before this Court.



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6. In the instant case, even though the petitioner claims that the property was utilized for agricultural activities, there is not even a piece of paper placed before this Court to substantiate the same. Even though this assignment is said to have taken place in the year 1976, the first representation was made on the side of the petitioner only in the year 2015, which is nearly after 40 years. In the meantime, the property seems to have been handed over for construction of a Veterinary Hospital.

7. The learned counsel appearing on behalf of the petitioner submitted that there are remaining lands available for assignment and the same can be considered by the respondents.

8. In the considered view of this Court, there is absolutely nothing to show that the property has been put to use by the petitioner and his family. If really, the petitioner and his family were doing agricultural activities, there is no reason as to how a Veterinary Hospital will be constructed in that place. There must be some reasonable time for a litigant to agitate his grievance. If the litigant chooses to sleep over his rights, the Court will not come to the aid of such litigant. Too much of water has flown under the bridge and therefore,



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this Court does not find any ground to grant the relief as sought for by the petitioner.

9. The proceedings of the fourth respondent does not suffer from any illegality and the property itself has now been handed over for constructing a Veterinary Hospital pursuant to the resolution passed by the Panchayat. In view of the same, this Court does not find any merits in this Writ Petition. Accordingly, the same is hereby dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
smn2

11.12.2023

To

- 1.The District Collector,
Pudukkottai.
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5.The Tahsildar,
Kulathur Taluk, Pudukkottai District.



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N.ANAND VENKATESH, J.

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