



W.P(MD)No.5495 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5495 of 2023

D.Dharmaraj

... Petitioner

Vs.

1.The District Collector
Kanyakumari District
at Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Thasildar
Vilavancode Taluk,
Kanyakumari District.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to issue patta in favour of the petitioner in respect of property in Survey No.140/3 admeasuring 11 cents of Devicode Village, Vilavancode Taluk, Kanyakumari District, by considering the representation of the petitioner dated 01.12.2022.

For Petitioner : Mr.L.Jeen Felix

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction to the respondents to issue patta in favour of the petitioner for the property in Survey No.140/3 measuring 11 cents of Devicode Village, Vilavancode Taluk, Kanyakumari District. The petitioner had given a representation dated 01.12.2022.



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2. In the affidavit filed in support of the writ petition, it had

been stated that the aforementioned land was in occupation of the grandfather of the petitioner herein. The father of the petitioner was in possession. The petitioner then came to be in possession. He stated that he does not have any other land. He had therefore, filed the writ petition seeking issuance of patta for the said land to the petitioner herein.

3. The learned Special Government Pleader has pointed out that in the year 2018 itself in Na.Ka.No.2/11585/2018, since the aforementioned lands have been classified as "Vaikkal Poromboke" by an order, dated 22.12.2018, the 'B memo' issued to the petitioner had been cancelled. It had also been stated that the petitioner had been paying penalty for being occupation and permission for such payment had also been cancelled. Necessary records have also been produced from the Tahsildar Office, Vilavancode Taluk, Kanyakumari District, wherein, it is very clearly stated that the lands in survey No.140/3 totally measuring 0.05.00 Hectares is classified as "Vaikkal" and had been encroached upon by the petitioner herein.



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4. In view of these facts, it may not be appropriate for this Court to issue any Mandamus.

5. Accordingly, the Writ Petition stands dismissed. No costs.

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Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM



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C.V.KARTHIKEYAN, J.

RM

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