



W.P.(MD).No.8084 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.8084 of 2021

K.Krishnan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti Division,
Madurai District.

3.The Tahsildar,
Usilampatti Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issuance of Writ of Mandamus, to direct the respondents 1 to 3 herein to issue Patta in favour of the petitioner in respect of the assessed unassigned dry land comprised in Survey No.124/8, 124/11, situated at Nadupatti Village, Usilampatti Taluk, Madurai District, which is in possession and enjoyment of the petitioner, by considering the petitioner's representation dated 06.01.2021.



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For Petitioner : Mr.A.Mithun Chakravarthi

For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader

ORDER

This Writ Petition is filed for Writ of Mandamus, to direct the respondents 1 to 3 herein to issue Patta in favour of the petitioner in respect of the assessed unassigned dry land comprised in Survey No.124/8, 124/11, by considering the petitioner's representation dated 06.01.2021.

2. The petitioner is an Ex-Service man and has rendered more than 30 years of service to our nation. After retirement, the petitioner engaged in agriculture and cultivating the vacant dry land comprised in Survey Nos.124/8, 124/11 situated in Nadupatti Village. The petitioner is claiming patta to the said land which is classified as “Sarkar Poramboke”.

3. The contention of the petitioner is that he is cultivating the said land for more than 15 years and as Ex-Service man, the petitioner is claiming patta. The petitioner is relying on a similar issue passed by this Court in W.P.(MD)No. 14125 of 2010 dated 28.08.2012.



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4. The learned Additional Government Pleader submitted that the respondents had preferred a Writ Appeal against the said order. After hearing the writ appeal and the same is reserved for judgment. Also submitted that the petitioner has filed a Civil Suit for the same issue in O.S.No.123 of 2019 on the file of Usilampatti District Munsif Court and hence the present writ petition is not maintainable. Infact, the respondents have considered the case of the petitioner and initiated proceedings to evict the petitioner from the said place.

5. However, the petitioner submitted that he is ready and willing to pay the cost of the said land.

6. After hearing rival submissions, this Court is of the considered opinion, the petitioner may be entitled to “B” Memo. However, a positive direction cannot be issued. If there is any scheme to this effect, the first respondent is directed to consider and pass orders within a period of eight weeks (8) from the date of receipt of a copy of this order.



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7. With these observations and directions, this Writ Petition is disposed of. There shall be no order as to costs.

27.09.2023

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

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Usilampatti Division,
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- 3.The Tahsildar,
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S.SRIMATHY, J.

Sml

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