



W.P(MD)No.14864 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.14864 of 2023

Murugan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Periyakulam Taluk,
Theni District.

2.The Tahsildar,
Periyakulam Taluk,
Periyakulam,
Theni District.

3.The Executive Officer,
Devathanapatti panchayat,
Theni District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st Respondent to take necessary action regard to the petitioners representation dated 03.06.2023, within a stipulated time as that may be fixed by this Honble court, which is relating to issuance of Patta order to the 2nd Petitioner in connection with Survey No.1886/5 (House Site) Devathanapatti village, Periyakulam taluk, Theni district.



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For Petitioners : Mr.S.Ayyanar Prem Kumar
Advocate.

For R1 and R2 : Mrs.D.Farjana Ghhoushia
Special Government Pleader

For R3 : Mr.S.Rameswaran
Government Advocate

ORDER

The writ petition has been filed in the nature of mandamus seeking a direction to examine the representation given by the petitioner dated 03.06.2023.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner is residing in a property at Survey No.1886/5, Devadhanapatti village, Periyakulam Taluk, Theni District. It is claimed that the petitioner has valid title to the property. The total area of the property is 630 sq.ft. It had been stated that the third respondent had sent a notice directing the petitioner for vacate and hand over the possession. The petitioner had filed an application seeking patta.



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3. The learned Special Government Pleader, however, stated on instructions which have been forwarded to the Court that the property in which the petitioner is residing namely in Survey No.1886/5, is classified in the revenue record as Oorani (நீர்நிலை புறம்போக்கு).

4. It is stated that in that particular place, the petitioner had constructed a house. The petitioner cannot be permitted to continue to occupy Oorani unlawfully. This Court cannot grant mandamus to direct to grant patta for the land which is classified as Oorani. This writ petition is dismissed. The third respondent is directed to proceed further in the manner in law consequent to the notice issued. No costs.

23.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

1.The Revenue Divisional Officer, Periyakulam Taluk, Theni District.

2.The Tahsildar, Periyakulam Taluk, Periyakulam, Theni District.

3.The Executive Officer, Devathanapatti panchayat, Theni District.



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C.V.KARTHIKEYAN, J.

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