



W.P.(MD)No.16151 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.16151 of 2021

S.Paramasivam

... Petitioner

Vs.

1.The District Collector,  
Dindigul District,  
Dindigul.

2.The Revenue Divisional Officer,  
Dindigul District, Dindigul.

3.The Tahsildar,  
Authoor Taluk Office,  
Authoor, Dindigul District.

4.The President,  
S.Paraipatti Village Panchayat,  
S.Paraipatti, Authoor Taluk,  
Dindigul District.

...Respondents

**PRAYER :** Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the 1 to 3<sup>rd</sup> respondents herein to issue the patta to the petitioner with regard to the Well situated in Survey No.713/10 to an extent of 0.01.80 ares situated at Paraipatti Village Authoor Taluk, Dindigul District based on the petitioner's representation dated 23.06.2021.



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For Petitioners : Mr.G.Gomathi Sankar  
For R1 to R3 : Mr.R.K.Manikkam  
Special Government Pleader  
For R4 : Mr.R.Ragavendran  
Government Advocate

### **ORDER**

This writ petition has been filed for the issue of writ of mandamus to direct the respondents 1 to 3 to consider the representation made by the petitioner dated 23.06.2021, wherein the petitioner is seeking issuance of patta for the Well situated in Survey No.713/10 at Paraipatti Village Authoor Taluk, Dindigul District to an extent of 0.01.80 ares.

2.Heard the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 to 3 and the learned Government Advocate for the fourth respondent.

3.The case of the petitioner is that the fourth respondent passed a resolution in the year 2010 and expressed their intention not to have any objection for issuance of patta to the petitioner with respect to the subject property. Further, the house site patta has already been issued in favour of the



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petitioner's wife in the year 2010 by the third respondent for the house site situated in Survey No.713/17. Insofar as the Well is concerned, it is situated in Survey No.713/10 and the same has been put to use for several years. Therefore, a representation was made before the first respondent for grant of patta for the Well in Survey No.713/10. Since the same was not considered, the present writ petition was filed before this Court.

4.The third respondent filed counter affidavit and has taken a stand that the subject property in Survey No.713/10 is classified as a Government Poromboke, 'cart track'. Therefore, there is no scope for granting any patta in favour of the petitioner with respect to the Well situated in Survey No.713/10.

5.In the considered view of this Court, the petitioner cannot claim as a matter of right, patta for the Well situated in Survey No.713/10, since the same has been categorized as Government Poromboke, 'cart track'. Therefore, the petitioner can continue to use the Well to draw water and the petitioner will not be entitled for issuance of patta for the Well. The stand taken by the third respondent in the counter affidavit is unassailable and no interference is called for. In view of the same, the relief sought for by the petitioner cannot be granted by this Court.



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6.This writ petition is disposed of in the above terms. No costs.

**07.11.2023**

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

- 1.The District Collector,  
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- 3.The Tahsildar,  
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**N.ANAND VENKATESH, J.**

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