



WP(MD)No.16777 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.10.2023**

CORAM

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

W.P.(MD)No.16777 of 2020

and

W.M.P.(MD)No.15022 of 2020

G.John Gabriel

...Petitioner

/Vs./

1.The District Collector,
Collector Office,
Madurai Road,
Theni, Theni District.

2.The District Revenue Officer,
Collector Office,
Madurai Road,
Theni, Theni District.

3.The Revenue Divisional Officer,
Collector Office,
Madurai Road,
Theni, Theni District.

4.The Tahsildar,
Taluk Office,
Bodi, Theni District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to carry out any changes, mutation in the village revenue records of the dry lands bearing S.Nos.



WP(MD)No.16777 of 2020

578/1A, 578/1B, 578/2A, 578/2B, 578/3 and 526/3 situated at Rasingapuram Village, Bodi Taluk, Bodinaickanur of Theni District based on the petitioner's representation dated 02.11.2020.

For Petitioner : Mr.K.Safar Badhusha

For Respondents : Ms.D.Farjana Ghoushia

Special Government Pleader

ORDER

This writ petition has been issued for a writ of mandamus, directing the respondents not to carry out any mutation in the revenue records with respect to the subject properties, based on the representation made by the petitioner on 02.11.2020.

2. Heard Mr.K.Safar Badhusha, learned counsel for the petitioner and Ms.D.Farjana Ghoushia, learned Special Government Pleader for the respondents.

3. The grievance of the petitioner is that M/s.Amarkanthtak Private Limited was attempting to include the subject properties and was taking steps to get the patta mutated in their names. A suit was also filed in this regard and the same was dismissed for default and thereafter the suit was restored. According to the petitioner, the suit is not maintainable.



WP(MD)No.16777 of 2020

WEB COPY

4. In the considered view of this Court, unless otherwise the above said M/s.Amarkanthtak Private Limited succeeds in the suit and gets a decree, there is no question of respondents mutating the revenue records in the name of a private party. That apart, the writ petition itself has been filed only based on the apprehension that the private parties will grab the government land and get the patta in their favour. The government will take care of this grievance expressed by the petitioner and if the lands belong to them, they will effectively sustain their right. It is not necessary for the petitioner to plead the case of the government in this writ petition. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

06.10.2023

NCC : Yes/No

Internet :Yes/No

Index :Yes/No

TO:

1.The District Collector,
Collector Office, Madurai Road,
Theni, Theni District.

2.The District Revenue Officer,
Collector Office, Madurai Road,
Theni, Theni District.



WEB COPY



WP(MD)No.16777 of 2020

N.ANAND VENKATESH, J.

sm

3.The Revenue Divisional Officer,
Collector Office,
Madurai Road,
Theni, Theni District.

4.The Tahsildar,
Taluk Office,
Bodi, Theni District.

Order made in
W.P.(MD)No.16777 of 2020

Dated:
06.10.2023