



W.P.(MD)No.17939 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17939 of 2020

Murugeswari

... Petitioner

Vs.

1.The District Collector,
O/o. the Collectorate,
Dindigul District.

2.The Sub Collector
O/o. the Sub Collector,
Palani.

3.The Tahsildar,
Vedasandhur Taluk,
Dindigul District.

4.The Village Administrative Officer,
R.Kombai Village,
Vedasendhur Taluk,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to assign the land bearing S.No.1627/2A situated at R.Kombar Village, Vedasendhur Taluk, Palani Revenue Division, Dindigul District, by



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taking into account the 4th respondent's proceedings dated 26.09.2014 and the petitioner's representation dated 16.03.2020.

For Petitioner : Ms.A.Rajini

For R-1 to R-4 : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a writ of mandamus directing the respondents to assign the subject land in favour of the petitioner based on the representation made by the petitioner on 16.03.2020.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that she is in possession and enjoyment of the land in Survey No.1627/2A, situated at R.Kombar Village, Veda sandhur Taluk, Palani Revenue Division, Dindigul District. The petitioner claims that she belongs to the Scheduled Caste Community and she is in possession of the Government Tharisu land. According to the petitioner, she is living in the subject property for more than 32 years. The



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petitioner also produced a copy of the proceedings of the Revenue Divisional Officer, dated 21.09.2012. The petitioner approached the Revenue Authorities seeking for grant of patta for the property. Even as per the case of the petitioner, the original assignment that was made was cancelled and the land was resumed by the Government for the violation of the conditions of the sale.

4. The petitioner filed W.P.(MD).No.4344 of 2020 before this Court seeking for a direction for issuance of patta. This Court disposed of the Writ Petition by an order dated 28.02.2020 and the relevant portion in the order is extracted hereunder:

“5. No person is entitled to get patta for the land which belongs to the Government by enjoyment. Unless, the Government transfer the land by assignment or by any means, the petitioner or anyone, who is in possession of the land will not get patta. Patta is given to a person for recognition of his title for the purpose of assessment of tax. In the present case, the petitioner has no right to get patta for the foregoing reasons. Therefore, this Writ Petition is devoid of merits and hence, this Writ Petition is



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dismissed. However, liberty is given to the petitioner to approach the Government for assignment of land. This Court only expect the Government to consider the representation of the petitioner and this order cannot be treated as a positive direction. It is also open to the Government to evict the petitioner, after following due process of law. No costs."

5. The grievance of the petitioner is that pursuant to the above order, she made a representation seeking for the assignment of the land and since no orders have been passed, the present Writ Petition has been filed before this Court.

6. Taking into consideration the facts and circumstance of the case and without going into the merits of the case, there shall be a direction to the first respondent to consider the representation made by the petitioner on 16.03.2020 on its own merits and in accordance with law and appropriate orders shall be passed within a period of three (3) months from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.



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7. Accordingly, the Writ Petition is disposed of with the above

directions. No costs.

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NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

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O/o. the Sub Collector,
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N.ANAND VENKATESH, J.

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