



W.P.(MD)No.19423 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19423 of 2020

Pandiammal,

... Petitioner

Vs

1. The District Collector,
Madurai District , Madurai..

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

3. The Tahsildar,
Usilampatti, Madurai District.

4. The Special Tahsildar,
Adhi Dravidar Welfare, Usilampatti,
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 3rd respondent to issue patta for the petitioners land in Survey no. 9/6B situated at Vadugapatti Village , Usilampatti Taluk, Madurai District based on her representation dated 24/10/2020.

For Petitioner	:Mr.Pakalavan.S,
For Respondents	:Mr.K.S.Selvaganesan Additional Government Pleader



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ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to issue patta in the name of the petitioner with respect to the subject property by considering her representation dated 24.10.2020.

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

3. It is seen from the records that there was an earlier order passed by this Court in WP(MD) No.9925/2013 dated 13.10.2014 directing the Special Tahsildar to consider the request made by the petitioner and to pass orders.

4. It is seen from the counter affidavit that the above order was taken into account by the 4th respondent and a spot inspection was also made. For proper appreciation, the relevant portion in the counter affidavit are extracted hereunder:



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“6.It is submitted that in the meanwhile, the petitioner herein by contending that her husband deceased Perumal was allotted Plot No.2 which was found to be incorrect as the beneficiary Perumal,S/o.Karuppan was the husband of the petitioner. However, the petitioner herein made an attempt to construct a house on premise that the house already resided by her was dilapidated. But one Karuppiah, S/o.Perumal, as well as one Chinnakamaraj, original allottees and inhabitants of S.No.9/6B, objected to the attempt by contending that only after allotting 2 cents a piece for 22 families, an extent of 5 cents of land was provided for common use in the colony and that two temples, viz., Arulmigu Vinayagar and Perumal temples are located in the above land. The inhabitants of the colony are using the same for common purpose during the celebration of temple festivals for preparing pongal and slaughter of goats etc. and that on the instigation of one Murugan, Talayari, people are attempting to usurp the land and hence prayed to prevent them from encroaching upon the property used by the residents for common purpose. Hence a detailed enquiry was conducted and a report



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submitted to the District Collector, Madurai.

7.It is submitted that the averments of the petitioner herein in Paragraph 7 of the affidavit is baseless and devoid of truth. Entire extent of 48 cents of land comprising in S.No.9/6B of Vadugapatti village belonging to 1) Chinnakaliakkal; ii) G.Ramayee; iii) Chinnakalai and iv) Akini were acquired in the year 1969-70 and house sites assignment were given in favour of 22 poor house-less families of the village. Hence it could not have been granted assignment in favour of the father in law of the petitioner, Thiru.Perumal since as per the averment of the petitioner in paragraph 3 of the affidavit, he was working in the police department and hence, he was ineligible to get patta in his name. The inhabitants of the colony gave a signed statement that the 5 cents of land available in the colony is required for common purpose. The petitioner herein after a lapse of several decades come up with the prayer to usurp the land classified as adidravar natham and used by the beneficiaries of the housing scheme in the year 1969 for common purpose and as such the petitioner is not entitled for the discretionary



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relief of this court much less the mandamus sought for by her which is liable for dismissal at the threshold.”

5. It is clear from the counter affidavit filed by the 4th respondent that the request made by the petitioner has not been favourably considered by the 4th respondent. The 4th respondent has found that the father-in-law of the petitioner was working in the police department and he was ineligible to get an assignment patta in his name. That apart, the land for which the petitioner is seeking for patta has also been put to use by the inhabitants of the colony. It is further seen that the petitioner is attempting to flog a dead horse and is attempting to revive a claim, which has lapsed long back. In view of the same, the relief sought for by the petitioner cannot be granted by this Court. Accordingly, this writ petition stands dismissed. No costs.

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NCC :Yes/No
Index :Yes/No
RR



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N.ANAND VENKATESH, J.

RR

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