



W.P.(MD)No.10099 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.10099 of 2014

and

M.P.(MD)No.1 of 2014

R.Seenivasan

... Petitioner

versus

1. The District Collector,
Theni District,
Theni.

2. The Tahsildar,
Periakulam,
Theni District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.1869/2014/A7, dated 07.04.2014, quash the same and direct the respondents to issue patta to the petitioner's house situated in S.No.2642, Door No.6/156, Sindhi Amman Kovil Street, Thamaraikulam Bit II Village, Charuthupatti, Lakshmipuram Post,



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Periakulam Taluk, Theni District.

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For Petitioner : M/s.V.R.G.Mohan

For Respondents : Ms.K.Christy Theboral,
Additional Government Pleader

ORDER

This writ petition is filed as against the order of the Tahsildar, Periyakulam, in Na.Ka.No.1869/2014/A7 dated 07.04.2014 and to quash the same and also for a consequential direction to the respondents to issue patta to the petitioner's house site in Survey No.2642, Door No.6/156, Sindhi Amman Kovil Street, Thamaraikulam Bit II Village, Charuthupatti, Lakshmipuram Post, Periakulam Taluk, Theni District.

2. By the impugned order dated 07.04.2014, the second respondent/Tahsildar, Periakulam, rejected the request of the petitioner for issuing patta in his name for Survey No.2642. Aggrieved over that, the present writ petition is filed.



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3. The learned counsel appearing for the petitioner submits that the petitioner is enjoying the property in Survey No.2642 situated at Thamarikulam Bit II Village, Charuthupatti, Lakshmipuram Post, Periakulam Taluk, Theni District, for more than ten years and he has also put up construction on the property, he is entitled for patta as per G.O.Ms.No.854, Revenue Department, dated 23.05.2013. By the said Government Order, the Government has issued a direction to grant house site patta to persons, who built houses on Government Poramboke land and lived therein for more than ten years. Therefore, the petitioner is eligible for patta as per the said Government Order. In this regard, he made a representation dated 26.01.2014 to the respondents seeking patta, however, the same has not been considered. Hence, he approached this Court by filing a writ petition in W.P. (MD)No.4378 of 2014 and this Court, by order dated 12.03.2014, directed the Tahsildar, Periakulam, Theni District, to consider the petitioner's representation dated 26.01.2014 and pass appropriate



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orders. However, the 2nd respondent/Tahsildar, Periakulam, rejected the claim of the petitioner for issuing patta. Hence, the petitioner is before this Court.

4. The learned Additional Government Pleader by referring the counter affidavit filed by the second respondent/Tahsildar, Periakulam, submits that the petitioner has encroached the government poramboke land in Survey No.2462 to an extent of 0.01.5 ares by putting up tin shed and thereby extended his house and he also sought for patta. He further submits that the petitioner is not a poor person eligible for a fresh patta as per as per G.O.Ms.No.854, Revenue Department, dated 23.05.2013. Moreover, the land in Survey No.2642 is classified as Salai and Sindhi Amman Kovil as per “A” register. Further, the “B” memo, referred by the petitioner in the typed set of papers, is a penalty for his encroachment of the Government land and it does not give any right or title to the petitioner for grant of patta in Survey No.2462.



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6. The learned counsel for the petitioner has also offered that the petitioner is ready to purchase the said land, which is claimed to be in his possession, by paying the market value of the same. This Court is not inclined to accept the offer made by the petitioner.

7. Since the revenue records classify the land in Survey No.2462 as Salai and temple land as per “A” register, this Court is not inclined to issue any direction to the respondents.

8. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

07.03.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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B.PUGALENDHI, J.

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