



W.P(MD)Nos.566 & 567 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.566 & 567 of 2015

and

W.M.P(MD)Nos.1 & 1 of 2015

W.P(MD)No.566 of 2015:

V.Gomathi

... Petitioner

Vs.

- 1.The District Collector,
Collector Office,
Trichy District.
- 2.The District Revenue Officer,
Trichy District,
Trichy.
- 3.The Tahsildar,
Taluk Office,
Musiri, Trichy District.
- 4.The Block Development Officer,
Panchayat Union Office,
Musiri Taluk,
Trichy District.



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5.The Inspector of Police,
Musiri Police Station,
Trichy District.

6.The President,
Aaour Panchayat,
Musiri Taluk,
Trichy District.

7.Paramasivam

8.K.Tharupagaraj

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order in Na.Ka.Aa2/11217/2014 dated 06.12.2014 passed by the second respondent and quash the same as illegal, arbitrary and consequently direct the respondents not interfere the petitioner's peaceful possession and enjoyment of the Survey No. 382/9 to the extent of 3 cents of Natham land in Aaour Village, Musiri Taluk, Trichy District.

For Petitioner : Mr.S.R.Rajaraman

For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1 to R.3 & R.5

Mr.T.S.Mohamed Mohideen
for R.4 & R.6

No Appearance for R.7 & R.8



W.P(MD)Nos.566 & 567 of 2015

W.P(MD)No.567 of 2015:

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P.Kamalam

... Petitioner

Vs.

- 1.The District Collector,
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Trichy District.
- 2.The District Revenue Officer,
Trichy District,
Trichy.
- 3.The Tahsildar,
Taluk Office,
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Trichy District.
- 5.The Inspector of Police,
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Trichy District.
- 6.The President,
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Musiri Taluk,
Trichy District.
- 7.Paramasivam
- 8.K.Tharupagaraj

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order in Na.Ka.Aa2/11217/2014 dated 06.12.2014 passed by the second respondent and quash the same as illegal, arbitrary and consequently direct the respondents not interfere the petitioner's peaceful possession and enjoyment of the Survey No. 382/10 to the extent of 3 cents of Natham land in Aaour Village, Musiri Taluk, Trichy District.

For Petitioner : Mr.S.R.Rajaraman

For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1 to R.3 & R.5

Mr.T.S.Mohamed Mohideen
for R.4 & R.6

No Appearance for R.7 & R.8

COMMON ORDER

Heard the learned counsel appearing for the petitioners, the learned Special Government Pleader appearing for the respondents 1 to 3 & 5 and the learned counsel appearing for the respondents 4 & 6.

2. The grievance of the writ petitioners is that the President of the local body illegally demolished their construction put up in Survey Nos.382/9 and 382/10. The petitioners moved the authorities



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for issuance of natham patta. The District Revenue Officer, Thiruchirappalli rejected their requests. That led to filing of these writ petitions.

3. The learned counsel appearing for the petitioners pointed out that Survey Nos. 382/9 and 382/10 have been classified as “Natham” in the revenue record and that therefore the authorities had no jurisdiction over the same. This contention of the learned counsel appearing for the petitioners is well founded. If that be so, the question of the petitioners asking for free house site patta will not arise at all. The petitioners should have moved the authorities for issuance of natham patta. They did not so.

4. In the impugned order, the District Revenue Officer had cataloged the financial background of the writ petitioners and came to the conclusion that they are not eligible. The petitioners have nowhere contested the factual averments found in the impugned order passed by the District Revenue Officer. I therefore do not have any ground to fault the impugned order. That apart the learned



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Special Government Pleader as well the learned counsel appearing for the local body point out that the Panchayat building has been put up during the intervening period and overhead tank has also come up.

5. In these circumstances, they called upon this Court to not to interfere in the matter. Photographs have been produced before me. I do find that a overhead water tank as well as a panchayat building have been constructed. The request of the petitioners is for issuance of free house site patta. Since the District Revenue Officer has come to the conclusion that the petitioners are not eligible therefor, I do not find any ground to interfere.

6. These writ petitions stand dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To



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G.R.SWAMINATHAN,J.

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