



W.P(MD)No.7622 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7622 of 2015

K.Selvaraj

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Tashildar,
Manamadurai Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to include my patta land under S.No.200/17 and 200/22 of Melapidavoor Village, Manamadurai Circle, Sivagangai District in the Adangal Book entries by removing the Wrong caption of Poromboke and further direct the respondents to collect the kist from the petitioner on the basis of the Patta No.324, 506 and 514 by considering petitioner's representation dated 09.03.2015.



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For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.N.GA.Nataraj,
Government Advocate.

ORDER

Heard the learned counsel on either side.

2.The case of the petitioner is that the land comprised in S.Nos.200/17 and 200/22 in Melapiravoor Village, Manamadurai Circle are his patta lands and that they have been wrongly classified as poramboke. The petitioner wants the respondents to collect kist from him on the basis of pattas produced by him. Since the petitioner's representation did not yield any result, the present writ petition came to be filed.

3.The respondents have filed counter affidavit and the learned Government Advocate took me through its contents. Shri.Raja, Tashildar, Manamadurai Taluk is present in person to assist the Court. He produced the original settlement land record for Melapiravoor



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Village. He also produced the hand written SLR. It can be seen therefrom that S.No.200 was shown as unassessed sarkar poramboke land. His pointed contention is that a government land can be given to a private individual only through assignment proceedings such as tharkas assignment. In this case, the petitioner is unable to produce copy of any such order. The Tahsildar went to the extent of even questioning the genuineness of patta pass book relied on by the petitioner's counsel. Since the petitioner is not able to be produce any original assignment proceeding, the petitioner cannot maintain the present writ petition for issuance of Writ of Mandamus. The materials produced by the jurisdictional Tashildar stand in the way of granting any relief. If the petitioner wants to make any further claim based on possessory rights, it is open to the writ petitioner to move the jurisdictional Civil Court for relief.

4. With this liberty to the petitioner, this writ petition is dismissed.

No costs.

05.09.2023

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

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G.R.SWAMINATHAN, J.

ias

To:-

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Sivagangai.
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