



W.P.(MD)No.20246 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20246 of 2016

S.Vijaya

... Petitioner

versus

1. The District Collector,
Madurai,
Madurai District.

2. The Tahsildar,
Madurai North Taluk,
Madurai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 05.09.2016 and pass suitable orders within a time frame to be fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.P.T.Thiraviam,
Government Advocate



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ORDER

This writ petition has been filed for a Mandamus, directing the respondents to consider the petitioner's representation dated 05.09.2016 and pass suitable orders thereon, within a time frame to be fixed by this Court.

2. The learned counsel appearing for the petitioner submits that the petitioner has constructed a house in T.S.No.2720 to an extent of 45 feet length and 25 feet breadth at Jawaharpuram, K.Pudur, Madurai and she is residing in the said place for more than 20 years. She also obtained electricity service connection and water connection for her house. Thereafter, she approached the respondents and requested for issuance of patta for her house. She has also submitted a representation dated 05.09.2016 to the respondents, seeking issuance of patta for her house. Since the same has not been considered, the present writ petition has been filed.



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3. The learned Government Advocate, by referring to the counter affidavit filed by the Tahsildar, Madurai North Taluk, submits that the land in Survey No.2720 is a Government poramboke land (Thodayendal Kanmai) and the Government never issued any patta in favour of any individuals in that area. He further submits that the electricity service connection or water connection granted by the respective Department does not confer any right to the petitioner for seeking patta for the land which is now classified as a water body.

4. This Court considered the rival submissions.

5. The petitioner claims that she has constructed a house in T.S.No.2720 and she is residing in the said place for more than 20 years. The respondents have taken a stand that the land occupied by the petitioner is classified as a water body.



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6. If it is a water body, the petitioner is not entitled for any patta.

At the same time, if the petitioner is eligible for issuance of free patta, the respondents shall consider her case as per the existing norms and issue patta in her favour in any other place on the undertaking that she will vacate the present place within a stipulated time.

7. Accordingly, the writ petition is disposed of. No costs.

06.06.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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Madurai,
Madurai District.

2. The Tahsildar,
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B.PUGALENDHI, J.

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