



W.P.No.22659 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22659 of 2024

S.Narayanan

... Petitioner

Vs

1. The Commissioner,
Land and Administration,
Chepaukkam,
Chennai – 600 005.
2. The Special Commissioner,
Land and Administration,
Chepaukkam,
Chennai – 600 005.
3. The District Collector,
Salem District,
Salem – 636 001.
4. The District Revenue Officer,
(Previously Additional District Collector),
Salem District,
Salem – 636 001.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent herein, to consider and pass necessary speaking order on the representation dated 20.03.2023 made by the petitioner herein for preparing the proposals to transfer the land and issuance of patta for the land measuring about 3 acres in respect of S. No. 36, Navakkurichi, Salem District.

For Petitioner : Mr. L.Muthusamy

For Respondent : Mr. S.J.Mohammed Sathik,
Government Advocate

O R D E R

With consent of both sides, this Writ Petition has been taken up for disposal at the admission stage itself.

2. This Writ Petition has been filed for directing the first respondent to consider the representation dated 20.03.2023, made by the petitioner, seeking transfer of land and issuance of patta for an extent of 3 acres comprised in S. No. 36, situated at Navakurichi Village, Thalaivasal Taluk, Salem District.



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3. The petitioner is in possession and enjoyment of the land comprised in Survey No. 36, situated at Navakurichi Village, Thalaivasal Taluk, Salem District, an extent of 3 acres, for the past several years. The petitioner has also obtained an electricity service connection and is enjoying the land. While that being so, the petitioner filed an application before the Additional District Collector, Salem, for handing over possession of the said property by way of assignment. However, it was rejected, and thereafter, he filed an appeal before the second respondent. The second respondent passed an order dated 12.07.1985, directing the fourth respondent to send a proposal for the transfer of 3.00 acres of land surrounding the Well dug, which is occupied by the petitioner. However, so far, the fourth respondent has not sent any proposal for assignment, though the petitioner has submitted repeated representations.

4. The learned Government Advocate appearing for the respondents, on instructions, states that the subject land is classified as Government Odai and Temple land. Apart from that, the value of the land has now increased, and it cannot be assigned in favour of the petitioner.



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Further, assignment is not a matter of right and cannot be done automatically.

5. On a perusal of the order passed by the second respondent dated 12.07.1985, which mentions the encroachment of the Odai, the request made by the petitioner cannot be considered, and the Writ Petition is devoid of merits.

6. In the result, this Writ Petition is dismissed. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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G.K.ILANTHIRAIYAN, J.

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