



W.P.No. 36124 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 36124 of 2024

Vasanthi

...Petitioner

Vs.

1. The Tahsildar,
Modakkurichi Taluk,
Erode District

2. Jayamani

...Respondents

Prayer: Writ Petition is filed under Article 226 of the constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to cancel the patta in HSD No.974/1422 granted in favour of the 2nd respondent and grant patta in favour of the petitioner in respect of property in Survey No.545/4 sub-division 1007, Plot No.7, Ganapathypalayam, Edadaku, Panchaikalamangalam "A" Village, Modakurichy Taluk, Erode District.



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For Petitioner : Mr.N.Edwin Jeyakumar
For Respondent 1 : Mr.A.Selvendran
Special Government Pleader

ORDER

The writ petitioner seeks a mandamus to direct the 1st respondent, Tahsildar to cancel the patta in H.S.D.No.974/1422 issued in favour of the 2nd respondent and grant patta in favour of the petitioner in respect of the property comprised in Survey No.545/4, Sub-division 1007, Plot No.7, Ganapathypalayam, Edadaku, Punchaikalamangalam "A" Village, Modakurichy Taluk, Erode District.

2. The very basis on which the writ petition has been premised is that the 2nd respondent, who was granted the patta in respect of the property in question, is now residing 50kms away from the property and she has not claimed any right over the same for several years. That apart, she has obtained patta in respect of the same in Patta No.974 of 1422. The petitioner claims that she has put up a house in the said property and that the electricity connection and the gas bill stand in her



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name. Therefore, she is before this Court.

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3. Heard the learned counsels on either side.

4. The petitioner has not clarified as to how she has entered possession of the property. She has no statutory right to demand that a patta be issued in her name in respect of the above property. Further, it is for the respondents to decide upon the cancellation of patta in the name of the 2nd respondent, in case they find any violation of the assignment conditions. Therefore, when the petitioner has no statutory right, a mandamus cannot be issued to the authority to consider a non-existent right. Accordingly, this writ petition is dismissed. No costs.

06.12.2024

Index : Yes/No
Internet : Yes/No
srn

To,

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The Tahsildar,
Modakkurichi Taluk,
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P.T. ASHA, J,

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