



W.P(MD)No.738 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.738 of 2022

and

W.M.P.(MD).No.581 of 2022

Periyananan

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer,
Collectorate – Trichy,
Trichy District.

3.The Revenue Divisional Officer,
Musiri,
Trichy District.

4.The Tahsildar,
Thuraiyur Taluk,
Trichy District.

... 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 to the Impugned Order issued by the second respondent



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through the proceedings in Na.Ka.No.Aa2/27352/2019 dated 11.12.2020 and to quash the same and consequently direct the third respondent to grant assignment patta to the petitioner for the 0.08.25 Ares (20.625 cents) of land in Grama Natham Survey No.288/28 of Vadakku Veli Village, Thuraiyur Taluk, Trichy District, in the light of the G.O.No. 34/2008 of the Revenue Department dated 23.01.2008 within time stipulated by this Court.

For Petitioner	: Mr.M.R.Sreenivasan
For Respondents	: Mr.D.Sasikumar Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner seeks assignment of 21 cents of land. He sought issuance of patta for the petition mentioned survey number. The Sub Collector rejected the petitioner's request vide proceedings dated 28.09.2020. Challenging the same, the petitioner went before the District Revenue Officer, Trichy. The District Revenue Officer, Trichy vide order dated 11.12.2020 dismissed the petition. Challenging the same, the present writ petition came to be filed.



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3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

He pointed out that one Muthu was granted assignment Patta by the authorities and that he has been discriminated. The learned counsel appearing for the petitioner would also contend that the petitioner is not well to do and that he is using the land in question for the last several years for rearing cattle. He called upon this Court to grant relief as prayed for.

4.I am not swayed by the submissions of the learned counsel appearing for the writ petitioner. As rightly pointed out by the learned Additional Government Pleader, in the impugned order it has been mentioned that the petitioner is having patta lands for an extent of 0.80.25 HAC. And that he also having a terrace house. This factual finding set out in the impugned order has not been controverted as false in the affidavit filed in support of the writ petition. Assignment cannot be made for a person who is already having lands.

5.Muthu had been given only a small extent of land as house site. Therefore, the petitioner is not justified in comparing himself with the said assignee. The impugned order does not warrant interference.



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6.This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.04.2024

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

To

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G.R.SWAMINATHAN,J.

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