



W.P(MD)No.17736 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.17736 of 2019

Govindaraj

... Petitioner

Vs

1.The Tahsildar,
Thanjavur Taluk,
Thanjavur District.

2.The Village Administrative Officer,
Kurungalam West Village,
Thanjavur Taluk and District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to receive the kist from the petitioner in respect of the lands comprised in Survey No.14/10 situated at Kurungalam West Village, Thanjavur District on the basis of the petitioner's representation dated 08.05.2019 within the time stipulated by this Court.

For Petitioner : Mr.R.Nandakumar

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader



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ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondents to receive the kist from the petitioner in respect of the lands comprised in Survey No.14/10 situated at Kurungalam West Village, Thanjavur District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner is in possession and enjoyment of the land comprised in Survey No.14/10 situated at Kurungalam West Village, Thanjavur District. Already, the petitioner was paying necessary tax to the said land to the Village Administrative Officer for the usage of the said land. However, when the petitioner intended to pay the tax, the second respondent refused to receive any tax from the petitioner for the subject land for the past two years. Therefore, the petitioner submitted a representation dated 08.05.2019 before the respondents to collect tax for the said land.



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4.On perusal of the records and on the submissions made by the learned Special Government Pleader appearing for the respondents would reveal that the land comprised in Survey No. 14/10 to an extent of 0.47.0 hectares situated at Kurungalam West Village, Thanjavur District is classified as (அரசால் வாங்கப்பட்ட நிலம்) Poramboke land as per the revenue records. The Government alone has absolute right over the said land and it was purchased by the Government at the sale. Therefore, the petitioner has no right over the subject property.

5.The learned counsel appearing for the petitioner would submit that already the subject land was subjected for kist and the same was paid on 23.05.2001. Subsequently, the respondents refused to receive the same.

6.On perusal of kist receipts produced by the petitioner would reveal that the property stands in the name of one Govindhas Naidu and not in the name of the petitioner herein. In fact, the petitioner is an encroacher and he was issued kist receipt by way of issuing B memo for his enjoyment. That apart, a pipeline has been laid by the Indian Oil Corporation Limited towards the subject land



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and the petitioner has owned patta land to an extent of 0.97.50 hectares of punja land patta No.231 situated at Inathukanpatti, Thanjavur District. Therefore, the petitioner now attempted to grab the Government poramboke land by way of subjecting the subject property to the tax. In view of the above, this Writ Petition is devoid of merits and the same is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

06.12.2024

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

- 1.The Tahsildar,
Thanjavur Taluk,
Thanjavur District.
- 2.The Village Administrative Officer,
Kurungalam West Village,
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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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