



W.P(MD)No.17321 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17321 of 2024

P.Ganesan

... Petitioner

Vs.

1.The Commissioner of Land Administration,
O/o. the Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai – 600 005.

2.The District Collector,
O/o. the District Collector,
Tiruchirappalli District,
Tiruchirappalli - 620001.

3.The District Revenue Officer,
O/o. the District Revenue Officer,
Tiruchirappalli District,
Tiruchirappalli - 620001.

4.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Musiri,
Tiruchirappalli District – 621 211.

5.The Tahsildar,
O/o. the Tahsildar,
Musiri Taluk,
Musiri,
Tiruchirappalli District – 621 211.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 22.08.2023 and issue patta in respect of the land in Survey No. 387 to the extent of 67 cents and Survey No.238/2 to the extent of 15 cents situated at Morupatti village, M.Karuppampatti, Musiri Taluk, Tiruchirappalli district on cost assignment basis in accordance with G.O.(Ms) No. 248, Revenue (LD-I(2) Department dated 28.07.2009 and G.O.(Ms) No. 60, Revenue (LDIII(1) Department dated 05.02.1999.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.D.Sasikumar,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner has given representation for issuance of patta for the petition mentioned lands. The petitioner is ready to take the assignment on payment of appropriate cost.



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3.As rightly pointed out by the learned Additional Government Pleader, Survey No.238/2 has been classified as cart-track. A land that has been classified as cart-track has to be maintained as such and it cannot be alienated. As regards the other survey number, it is for the authority to take a call in the matter. Direction to consider can be given only if the petitioner has any legal right as such. The petitioner cannot insist or demand that a particular piece of land classified as tharisu must be assigned to him on payment of cost. These are matters that are left to the discretion of the authorities. Suppose, I issue a direction for consideration and no order is passed within a stipulated time, there will be another petition for contempt. I take judicial notice of the fact that afraid of the consequence of contempt, the authorities chose to pass order favourable to the petitioner. I, therefore, leave the issue as regards issuance of patta for S.No.387 to the discretion of the authority concerned.

4.The writ petition is disposed of accordingly. No costs.

29.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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