



W.P.(MD) No.15501 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.15501 of 2016

and

W.M.P(MD)Nos.11399 of 2016 & 3613 of 2017

Periyasamy

.. Petitioner

Vs.

1.The District Collector,
Pudukottai,
Pudukottai District.

2.The District Revenue Officer,
Pudukottai District,
Pudukottai.

3.The Revenue Divisional Officer,
Illuppur Revenue Division,
Illuppur, Pudukottai District.

4.The Assistant Director,
Animal Husbandry, Dairying and Fisheries Department,
Illuppur, Pudukottai District.

5.The Tahsildar,
Ponnamaravathy,
Pudukottai District.



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6.The Block Development Officer,
Ponamaravathy Panchayat Union,
Pudukottai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the 2nd respondent's impugned order in ந.க.எண்.ஆ3/10088/2014, dated 29.02.2016, to quash the same as illegal and consequently direct the 1st respondent to issue patta to the petitioner for his ancestral housing land and its extent of 0.08.0 acres situated in Natham Survey No.130 of Nagarapatty Village, Ponnamaravathy Taluk, Pudukottai.

For Petitioner : Mr.NA.Palaniyandi

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner seeks to quash the order passed by the 2nd respondent bearing Na.Ka.No.Aa3/10088/2015, dated 29.02.2016 as illegal and direct the 1st respondent to issue patta to the petitioner in respect of an extent of 0.08.0 ares in Natham Survey No.130, Nagarapatty Village, Ponamaravathy Taluk, Pudukkottai.



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2. The case of the petitioner is that the aforesaid extent of land was owned by the petitioner. These lands were originally owned by his grandfather Periyayya Konar. Thereafter, the property passed on to his father and his elder brother and on their death, the petitioner and his elder brother Poovakonar, who was the son of the petitioner's elder brother were enjoying the same without any hindrance. They had orally partitioned the property in the year 1967 and constructed separate houses in the portions allotted to them. It is the case of the petitioner that the southern portion in the aforesaid land was allotted to him.

3. In the year 1968, the said Poovakonar had passed away and his wife and his son Selvaraj were enjoying the lands. The petitioner would submit that his house put up on the southern side of the survey number had been dismantled and the said lands are now vacant lands with few trees and in this vacant lands, the family functions were conducted. He was informed in the month of March 2015 by the husband of the Nagarapatty Village Panchayat President that a sum of Rs.6 lakhs had been sanctioned by the Government for construction of Community Hall



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in Nagarapatty Village. The petitioner approached the authorities wherein they came to know that the lands were classified as Natham and the northern side of the same was assigned and subdivided. The petitioner had made a representation to the authorities to grant him a patta. While so, one Chinnaiah who is the husband of the Nagarapatty Village Panchayat President had cut and removed the old Tamarind trees found in the vacant side. The petitioner had therefore lodged a complaint against them. The petitioner had issued oral representation and thereafter, two written representations, dated 05.03.2015 and 25.06.2015 requesting to grant of patta and for action against the said Chinnaiah and his wife. However, there was no further action on the same. Therefore, the petitioner had filed W.P(MD)No.12704 of 2015 and by an order, dated 23.07.2015, this Court had directed the 3rd respondent therein to pass appropriate orders on these representation on merits and in accordance with law after giving notice to all the interested parties.

4. The petitioner would submit that the villagers had made a request to the authorities to construct a veterinary hospital in the



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petitioner's land. They had demanded two other places for public convenience and had filed a writ petition in W.P(MD)No.8821 of 2016 for a direction to the District Collector to construct a veterinary hospital and the same is still pending. Thereafter, the 1st respondent had considered and rejected the claim by an order, dated 29.02.2016. The petitioner would submit that they were not put on notice of the same and this order was challenged by filing of this writ petition.

5. Heard the learned counsels on either side.

6. A perusal of the impugned order would clearly show that the petitioner has not produced any shred of evidence to prove that the disputed property belongs to him or that he is in possession of the same. On the contrary, the impugned order would indicate that the contesting respondent has produced the documents. The petitioner seeks to have a patta issued in his favour. To have a patta issued in his name, the petitioner has to prove the right to the property in respect of which he seeks to have mutated the lands in his name. In the absence of the same, I



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see no reason to interfere with the order passed by the 2nd respondent.

That apart, the property in question stands in the name of one Selvaraj son Povakonar.

7. In view of the above, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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