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W.P.(MD) No.22728 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.22728 of 2023

Kaviarasu

... Petitioner

-vs-

1.The District Collector
Dindigul District
Dindigul

2.The Revenue Divisional Officer
Palani Division, Dindigul

3.The Tahsildar
Palani Taluk
Dindigul District

4.Vijayakumar
[R4 is impleaded vide Court order
dated 11.03.2024 in W.M.P.(MD)
No.21517 of 2023]

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the third respondent to issue patta for the land in Survey No.45/2 in the petitioner's name by considering the petitioner's representation dated 09.08.2023.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3
Mr.D.Venkatesh for R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the third respondent to issue patta for the land in Survey No.45/2 in the petitioner's name by considering his representation dated 09.08.2023.

2. According to the petitioner the land in Survey No.45/2 was used as a pathway by him as well as the adjacent land owners. The adjacent land in Survey No.45/3 was vested with Kandasamy Gounder, Vellaichamy Gounder and Arumuga Gounder. In such circumstances, the Government officials entered into an oral agreement with them that instead of laying a road



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in Survey No.45/2, a road would be laid in Survey No.45/3A2, which is subdivided from 45/3 and the said Kandasamy Gounder and others can own the land in Survey No.45/2 in exchange of the land in Survey No.45/3A2. The said Kandasamy Gounder and others were also acceded to the said agreement.

3. Further, according to the petitioner, though the land in Survey No.45/3A2 was subdivided from 45/3 and a road was laid in Survey No. 45/3A2, thereafter, patta has not been mutated for the said lands. Hence, for the land in Survey No.45/3A2, patta stands in the name of the petitioner's ancestors and for the land in Survey No.45/2, patta stands in the name of the Government. Therefore, the petitioner sent a representation dated 09.08.2023 to the official respondents for mutation of pattas for the said lands. Based on the said representation, the second respondent *vide* proceedings dated 24.08.2023 directed the third respondent to conduct an inquiry and submit a report. However, the third respondent has not acted upon it. Therefore, the present writ petition is filed.

4. Learned Special Government Pleader appearing for the respondents 1 to 3, on instructions, submit that as per the revenue records,



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the land for which the petitioner seeks for a patta i.e.Survey No.45/2 is a “Vandi Pathai” and the request made by the petitioner for issuance of patta has been rejected by the Tahsildar and to that effect, he has also produced a copy of the communication, dated 24.02.2024, received from the Tahsildar, Palani, before this Court.

5. In view of the above submission of the learned Government Pleader, the relief sought for by the petitioner has become infructuous and the writ petition is, therefore, dismissed as infructuous. No costs.

[D.K.K., J.]

[R.V., J.]

11.03.2024

(3/3)

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:

1.The District Collector,
Dindigul District,
Dindigul.



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- 2.The Revenue Divisional Officer,
Palani Division, Dindigul.
- 3.The Tahsildar,
Palani Taluk,
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and
R.VIJAYAKUMAR, J.

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