



W.P.(MD) No.26084 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.26084 of 2024

and

W.M.P.(MD) No.22110 of 2024

Sivalingam

.. Petitioner

Vs.

1.Member Secretary/Additional Commissioner,
Tamilnadu Boomi Dhana Board and Land Reformation,
Chepakam, Chennai-600 005.

2.The Tahsildar,
Ottanchathiram Taluk,
Dindigul District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 21.03.2021 for not to cancel the Boomi Dhana Patta given by the 1st respondent and consequently direct the respondents not to disturb the petitioner's peaceful possession in Survey No.184, situated at Periyakottai Village, Ottanchathiram Taluk, Dindigul District to an extent of 2.50 acres, without due process of law.



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For Petitioner : Mr.T.Ramasamy
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition has been filed for the following relief:

“... Writ of Mandamus directing the respondent to consider the petitioner representation dated 21.03.2021 for not to cancel the Boomi Dhana Patta given by the 1st respondent and consequently direct the respondents not to disturb the petitioner's peaceful possession in Survey No. 184, situated at Periyakottai Village, Ottanchathiram Taluk, Dindigul District to an extent of 2.50 acres, without due process of law ...”

2. It is the case of the petitioner that the property in question was being enjoyed by his grandfather on the basis of an assignment patta issued by the first respondent on 16.01.1969. From the date of obtaining the land, he has been cultivating the same. On his demise, the petitioner's father Rengan continued the cultivation without any



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disturbance till his demise on 14.05.2012. Thereafter, the petitioner and his mother Palaniammal continued cultivation. Since the petitioner was doing coolie work at Madurai, his mother was cultivating the land. He had given a representation dated 22.03.2021 to the second respondent to change the patta in his favour. After giving the representation to the second respondent, they continued in possession without any disturbance. A week ago, the officials from the second respondent's office came to the petitioner and directed him to vacate the property, as it is the land, which is proposed to be distributed to 50 landless persons each being entitled to 2 cents and gave a weeks time to vacate the premise. The petitioner immediately approached the second respondent and enquired about the stage of his representation. However, there has been no response.

3. It is the petitioner's submission that when his representation for grant of patta was pending, the present move by the respondents stating that the petitioner has to vacate the premise for allotting the same to 150 persons would cause grave prejudice or irreparable loss on the petitioner,



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who has spent considerably on the development and cultivation on the land.

4. Heard the learned counsel on either side.

5. Considering the above facts and taking note of the fact that the representation of the petitioner has been made even as early as in the year 2021 for issue of patta and is pending before the second respondent, a mandamus is issued to the second respondent to consider the same and pass orders within a period of six weeks from the date of receipt of a copy of this order. It is needless to state that till the exercise is completed, the petitioner's possession will not be disturbed.

6. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

30.10.2024

NCC : Yes/No
Index : Yes/No
abr



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To

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- 2.The Tahsildar,
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P.T.ASHA, J.

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