



Writ Petition No.4411 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.4411 of 2025

1.Pradeepa

W/o.Late Saravanan

2.K.Kamala

W/o.Murugaperuman

... Petitioners

Vs.

1.The District Collector,
District Collectorate Office,
Erode - 638 011.

2.The Assistant Collector,
Office of Commissioner of Revenue,
Gobichettipalayam - 638 452.

3.The District Revenue Officer,
Revenue Divisional Office,
Erode - 638 001.

4.Tahsildhar,
Tahsildhar Office,
Anthiyur - 638 501.

... Respondents

Writ Petition filed under Article 226 of the Constitution of
India seeking issuance of a Writ of Mandamus directing the respondents



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to consider the petitioner's representations dated 19.12.2023 and 29.10.2024 and to make an entry in the 'A' Register and relevant revenue records that the land ad measuring 0.98 acres comprised in R.S.No.3/2 situated in Pachampalayam Village, Athiyur Taluk, Erode District is a barren land.

For Petitioners : Mr.Gowri Shankar
for M/s.ASN Atthik Legal Solutions

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to consider the representations made by the petitioners on 19.12.2023 and 29.10.2024 wherein the petitioners are seeking for converting the agricultural lands into Tharisu land and to issue patta in favour of the petitioners and to make necessary changes in the revenue records.

2. Heard Mr.Gowri Shankar, learned counsel for petitioners and Mr.P.Sathish, learned Additional Government Pleader appearing for respondents.



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3. In the considered view of this Court, to issue a writ of mandamus there has to be a legal right and there has to be a corresponding legal duty on the part of the authorities. Hence, when a person seeks for issuance of a writ of mandamus, he has to necessarily show from where he is deriving the right in order to enable this Court to issue a direction. In the case in hand, the petitioners want to convert agricultural land into tharisu land. In order to undertake such an exercise, the petitioners must be able to trace the right from some enactment/rules/regulations. There is no such reference either in the affidavit filed in support of the writ petition or the learned counsel for petitioner was able to show from where the petitioner is seeking for such a right.

4. Learned Additional Government Pleader appearing on behalf of the respondents submitted that the relief sought for by the petitioners cannot be granted since there is no provision to make such conversion just because the petitioner is not able to continue to utilize the lands as agricultural lands.



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5. In the considered view of this Court, the only rule that is available for changing a land used for agricultural purposes to a land for non-agricultural purposes, Tamil Nadu Change of Land Use (From Agriculture to Non-Agriculture Purposes in Non-planning Areas) Rules, 2017, will apply. The petitioners have to necessarily work out the remedy by tracing their right to the rules failing which there is no automatic conversion of an agricultural land into a barren land. Except giving this clarity, no further orders can be passed in this writ petition.

This writ petition is disposed of in the above terms. No costs.

17.02.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm



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To
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N.ANAND VENKATESH, J

gm

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