



W.P.(MD)No.4420 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.03.2025

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THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

W.P.(MD)No.4420 of 2025

Saratha

... Petitioner

vs.

1.The District Collector,
Collectorate, Ramanathapuram District.

2.The Spl. Tahsildar,
Adi Dravidar and Tribal Welfare Department,
Paramakudi Taluk, Ramanathapuram District.

3.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

4.The Village Administrative Officer,
Radhapuli Group, Pramakudi Taluk,
Ramanathapuram District.

5.M.Malliga

... Respondents

(The fifth respondent was impleaded vide order of this Court, dated 19.03.2025 in W.M.P.(MD)No.5687 of 2025)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein



W.P.(MD)No.4420 of 2025

to issue patta in favour of the property comprised in S.No.519/1 situated at Radhapuli Village, Radhapuli Group, Paramakudi Taluk, Ramanathapuram District within a stipulated time period in accordance with law on the basis of the application, dated 12.02.2024 and the representation dated 04.01.2025.

For Petitioner	:Mr.C.Senthil Murugan
For R1 to R4	:Mr.M.Lingadurai Special Government Pleader
For R5	:Mr.R.Gowrishankar

ORDER

I have heard Mr.C.Senthil Murugan, learned Counsel for the petitioner, Mr.M.Linga Durai, learned Special Government Pleader for the respondents 1 to 4 and Mr.R.Gowrishankar, learned Counsel for the fifth respondent.

2.The petitioner seeks for issuance of a Writ of Mandamus to direct the second respondent to issue patta for the property comprised in S.No.519/1, Radhapuli Village and Group, Paramakudi Taluk, Ramanathapuram District. The petitioner claiming to be belonging to Hindu Scheduled Caste community and being entitled to patta under the “*Makkaludan Mudhalvar Scheme*” has made application to the



W.P.(MD)No.4420 of 2025

official respondents to issue patta in respect of the subject land in S.No. 519/1.

3.However, the newly impleaded fifth respondent would submit that the fifth respondent has already put up asbestos sheet construction and is residing there and therefore, the fifth respondent is objecting to issuance of patta to the petitioner in respect of the subject land. He further submits that the subject land was assigned to the fifth respondent's husband even in the year 1992 and his whereabouts are not known, but, the fifth respondent continues to be in occupation.

4.However, the learned Special Government Pleader would refute the said contention of the learned Counsel for the fifth respondent and would submit that fifth respondent is residing in Sivagangai, but, has constructed an asbestos sheet in the subject land. He would further submit that in any event, as the subject land is classified as “*Sarkar Poramboke*” land, none of the parties can claim any independent right over the same and it is the discretion of the authorities to issue patta based on eligibility and need basis.



W.P.(MD)No.4420 of 2025

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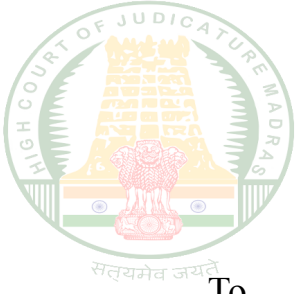
5. In view of the fact that the petitioner has only made a representation for issuance of patta, it would suffice to direct the second respondent to consider the said applications dated 12.02.2024 and 04.01.2025 given by the petitioner, after hearing petitioner as well as the fifth respondent and pass orders on merits and in accordance with law. In the event of the authorities finding that the fifth respondent is in possession and the subject land cannot be assigned under the scheme to the petitioner, it shall be open to the petitioner to seek any alternative allotment subject to her eligibility and in accordance with the scheme.

6. In fine, the Writ Petition is disposed of. No costs.

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

19.03.2025
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W.P.(MD)No.4420 of 2025

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W.P.(MD)No.4420 of 2025

P.B.BALAJI, J.

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W.P.(MD)No.4420 of 2025

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