



W.P.(MD)No.5400 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

CORAM:

THE HON'BLE MR.JUSTICE P.B. BALAJI

W.P.(MD).No.5400 of 2025

Rajeshwari

... Petitioner

Vs.

1. The District Collector,
Pudukkottai District,
Pudukkottai

2. The Revenue Divisional Officer,
Illupur,
Pudukkottai District.

3. The Tahsildar,
Illupur Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to 2nd respondent to issue necessary orders granting assignment patta in favour of the petitioner for S.F.No. 490/3 with an extent of 0.2.15 ares Kottai Street, Illupur Town Panchayat, Illupur Taluk, Pudukkottai District in view of the recommendation made by the 3rd respondent in his Na.Ka.4454/2022/A1 dated 22.01.2023.



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For Petitioner : M/s.R.Paranjothi
for M/s.Kbs Law Office

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner has filed the instant writ petition seeking a direction to the 2nd respondent to assign patta in favour of the petitioner in respect of S.F.No. 490/3 at Kottai Street, Illupur Town Panchayat, Illupur Taluk, Pudukkottai District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. Considering the limited scope of relief sought for in the writ petition, with the consent of the learned counsel on either side, the writ petition is taken up for final disposal.



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4. The case of the petitioner is that the petitioner is residing in S.F.No. 490/3 with an extent of 0.2.15 ares Kottai Street, Illupur Town Panchayat, Illupur Taluk, Pudukkottai District for the past 30 years and his step father's rights was also recognized and patta was granted to him.

5. It is further case of the petitioner that after the lifetime of his step father, the petitioner has been in absolute possession and enjoyment and he has also effected improvements to the property besides also constructing a toilet under the central government pensionary scheme after getting necessary approval from the Executive Officer Town Panchayat on 11.06.2022.

6. It is the further case of the petitioner that he has no other property and hence attempted to get assignment patta in his name. According to the petitioner his several representations have gone unheard and despite meeting the District Collector way back in 2008 and again in 2019, no action has been taken.



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7. The petitioner has also issued lawyer's notice on 14.12.2020 and filed a complaint to the Chief Minister's Cell on 28.12.2022. The petitioner relies on the Tahsildar recommendation in Na.Ka.No. 4454/22/A1 dated 22.01.2023. In and by this petition, the petitioner seeks issuance of necessary orders granting assignment of patta based on the recommendation of the Tahsildar in Na.Ka.No.4454/22/A1 dated 22.01.2023.

8. The learned Government Advocate would submit that the petitioner is not entitled to patta in S.F.No. 490/3. However, considering the fact that the petitioner is in occupation of S.No.492/6, the respondents are in the process of issuing assignment of patta to the petitioner in S.No. 492/6 measuring 0.00.45 sq.mt.

9. I have carefully considered the submissions on either side and perused the materials available on record.



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10. On going through the recommendations of the Tahsildar dated 22.01.2023, I find that the Tahsildar on inspection has found that the petitioner is occupying Natham S.No.492, Illupur Taluk, Pudukkottai District, measuring 0.14.5 ares and therefore, he recommended issuance of free house sites patta to the petitioner in respect of said survey number. It is not as if the Tahsildar has recommended for issuance of assignment of patta as claimed by the petitioner.

11. Considering the above, this writ petition is disposed of with a direction to the respondent to pass orders based on the recommendation of the 3rd respondent in Na.Ka.No.4454/22/A1 dated 22.01.2023 for issuance of pre house sites patta to the petitioner in respect of S.No.492 measuring 0.14.5 ares. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

28.02.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.B.BALAJI, J.

rgm

To

1. The District Collector,
Pudukkottai District,
Pudukkottai
2. The Revenue Divisional Officer,
Illupur,
Pudukkottai District.
3. The Tahsildar,
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