



W.P.(MD)No.16700 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.16700 of 2020

and

W.M.P.(MD).No.13949 of 2020

K.Murugan

... Petitioner

/Vs./

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar,
O/o.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned order of rejection passed by him in his proceedings in Mu.Mu.AA2/2454/2020 dated 08.09.2020 and quash the same as illegal, arbitrary and consequently direct the second respondent to issue patta in favour of the petitioner based on his reminder representation dated 21.09.2020.

For Petitioner

: Mr.D.Raja Boopathy

For Respondents

: Mr.M.Lingadurai

Special Government Pleader



W.P.(MD)No.16700 of 2020

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ORDER

The instant writ petition has been filed challenging the order of rejecting the petitioner's request for issuance of patta.

2. I have heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The case of the petitioner is that the petitioner's mother was owning the lands which are subject matter of dispute in the present writ petition.

4. According to the petitioner, subsequent to the demise of his mother, the petitioner has made a request for issuance of patta for the said land that has been in occupation of petitioner and his mother for several years. The petitioner's application has been dismissed by the impugned order finding that the petitioner is a Central Government employee and that he already holds property in the same vicinity and therefore he is not entitled to seek patta or assignment of patta for the subject land in question.



W.P.(MD)No.16700 of 2020

WEB COPY

5. The learned Counsel appearing for the writ petitioner submits that the petitioner is willing to pay any amount that is directed by the respondents for issuance of patta in respect of the lands already in occupation of the petitioner.

6. The learned Special Government Pleader would submit that the petitioner firstly is not entitled to the allotment or issuance of patta since, the petitioner owns property and secondly the occupation of the subject lands are under encroachment and therefore impugned order does not require any interference.

7. I have considered the arguments of the learned Counsel appearing for the writ petitioner and special Government Pleader appearing for the respondents.

8. It is seen that the petitioner has already approached this Court in W.P.(MD).No.19557 of 2018 and this Court passed an order dated 06.08.2020, dismissing the said writ petition.



W.P.(MD)No.16700 of 2020

WEB COPY

9. The petitioner is not eligible for patta. The present writ petition, subsequent to the dismissal of earlier writ petition is clearly not maintainable, especially when the prayer sought for in both the writ petitions are clearly seeking only the same direction to issue patta in the name of the petitioner.

10. Therefore, this Court does not find any merits in this writ petition and the same is liable to be dismissed. However, the dismissal of the writ petition will not be stand in the way of the petitioner from offering to pay and purchase the plot by way of assignment in his favour, subject to the discretion of the respondents. It is made clear that no positive direction is issued by this Court and the decision to assign and issue patta to the petitioner in respect of the subject land for consideration shall be entirely the discretion of the District Collector, after obtaining any approval may be necessary from the Commissioner of Land Administration.



W.P.(MD)No.16700 of 2020

WEB COPY

11. With the above said observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
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19.02.2025



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W.P.(MD)No.16700 of 2020

P.B. BALAJI, J.

gvn

TO:-

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Tahsildar,
O/o.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

Order made in
W.P.(MD)No.16700 of 2020

Dated:
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