IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.9463 of 2014

1 P.SIVAKUMAR
S/O.PERUMAL
NO.2/423 ST. ANTONY STREET
NAVALOOR
KANCHEEPURAM DISTRICT. Petitioner

Vs

1 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT
KANCHEEPURAM.

2 THE REVENUE DIVISIONAL OFFICER
KANCHEEPURAM DIVISION
KANCHEEPURAM DISTRICT.

3 THE TAHSILDAR
KANCHEEPURAM TALUK
KANCHEEPURAM DISTRICT. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of declaration declaring the classification of land as Anadheenam in Old Survey No.164/2/3 New Survey No.63/1 measuring 31 cents in Thazambur Village Kancheepuram District is illegal consequently delete the entries in the revenue records as Anadheenam

For Petitioner : Mr. S.Y. Masood
For Respondents: Mr. R.A.S. Senthilvel, AGP

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition seeking for a Writ of declaration declaring the classification of land as Anadheenam in Old Survey No.164/2/3 New Survey No.63/1 measuring 31 cents in Thazambur Village, Kancheepuram District as illegal and consequently delete the entries in the revenue records as Anadheenam.

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3. According to the petitioner, his grandfather is absolutely entitled to the properties in survey No.64/32B, 64/32A, 164/2/8 and 164/2/3 totally measuring 1.43 acres in Thazambur Village, Kancheepuram District and all the lands are classified as wet lands comprised in patta No.35, Thazambur Village, Thiruporur,Kancheepuram District. The petitioner's grandfather is said to have acquired title over the property pursuant to the sale deed executed by the learned District Munsif, Chengalpet in O.S.No.346 of 1964 dated 30-07-1964. It is submitted that ever since the date of purchase the petitioner's grandfather has been in possession and after his lifetime, the petitioner's father Perumal and presently, the petitioner after the demise of his father on 14-12-2011. When the petitioner applied for grant of patta, he was shocked to know that one of the property viz., the property under Survey No.164/2/3 resurveyed as survey No.63/1 has been classified as Anadheenam land and so far as the other survey numbers they belong to his grand father and not an Anadheenam. In this regard, the petitioner obtained information from the Office of the District Collector, Kancheepuram wherein it is seen that there is no entry in the record to show that part of survey No.164/2/3 is an Anadheenam land or a Government land. Prima facie, the revenue record do not show the properties to be a Government property.

4. In the light of the above, the first respondent is bound to consider the above facts and examine as to whether any wrong classification is made. However, it is seen that the petitioner has sent a representation earlier and it has not been considered. The petitioner shall therefore, send a fresh representation along with a copy of this order taking note of the details furnished under the Right to Information Act and if it is found that old survey No.164/2/3 is not a Government land or an Anadheenam land, appropriate action may be taken in this regard for necessary reclassification. However, on the other hand, if any observation is made against the interest of the petitioner, the same shall be made by way of a speaking order. The above direction shall be complied with within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner.

5. The writ petition is disposed of, accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT
KANCHEEPURAM.

2 THE REVENUE DIVISIONAL OFFICER
KANCHEEPURAM DIVISION
KANCHEEPURAM DISTRICT.

3 THE TAHSILDAR
KANCHEEPURAM TALUK
KANCHEEPURAM DISTRICT

+1 cc to Mr.S.Y.Masood, Advocate,SR.16266

+1 cc to Government Pleader,SR.16346.

krd 15/4

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