

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.13177 of 2015

B.Senthilraj Bose

...Petitioner

-Vs-

1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Land Administration,
Elizhalagam,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Kanchipuram District.

4.The Revenue Divisional Officer,
Chengalpet.

5.The Tahsildar,
Thiruporur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 17.02.2012, regarding issuance of House Site Patta to the petitioner's land situated in Old Survey No.397/2, New Survey No.488/20, No.28, Ponmar Village, Thiruporur Taluk, Kancheepuram District and consequently to issue House Site Patta to the said petitioner's land, on perusal of the proposals forwarded by the respondents 2 to 5, in cognizance to the notification issued in the Government Order in G.O.Ms.No.1971, Revenue (SSII) Department dated 14.10.1988.

For Petitioner : Mr.Kalaivanan

For Respondents: Mr.Duraisolaimalai
Additional Government Pleader

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner claims that he has purchased a vacant site plot admeasuring an extent of 31 cents (13531 sq.ft.) for a valuable consideration by means of a sale deed registered as Document No.3300 of 2004 dated 16.06.2004 on the file of Sub Registrar, Guduvancherry. The said property is situated at Old Survey No.397/2, New Survey No.488/20, No.28, Ponmar Village, Thiruporur Taluk, Kancheepuram District. The petitioner's claim is that after his purchase, he is in possession and enjoyment of the property for more than 11 years and originally it was classified as 'Adi-Dravidar Natham' and subsequently, it was reclassified as 'Natham Vacant Site'. The petitioner submits that as per G.O.Ms.No.1971, Revenue (SSII) Department dated 14.10.1988, Government of Tamil Nadu has sought to Survey the Settlement of Natham Sites, Village Sites and agricultural lands used for non-agricultural purposes in the entire area of Tamil Nadu except in the area of Old Madras City and it is stated that all private holdings in the natham area set-apart for dwelling purpose will be registered as "Manai" (house site). It is further stated in the said notification that in case of vacant natham areas, which is under private holding and where no house site assignment orders issued by the Revenue Department, the Special Thasildar (Natham Survey), will decide the ownership of the property on the basis of enjoyment for thirty years prior to the date of publication of the notification in the Tamil Nadu Government Gazette and for this purpose documentary evidence may be taken.

3. In this regard, the petitioner has submitted a detailed representation dated 17.02.2012 to the second respondent, who in turn sent a communication dated 19.03.2012. Based on the said communication, the petitioner once again made a representation dated 21.03.2012 to the respondents 1 and 2 and marked copies to respondents 3 and 4. Though the petitioner has submitted representation dated 17.02.2012 which was followed by a reminder dated 21.03.2012, the petitioner has not been favoured with any response and hence, he came forward with this writ petition.

4. Heard the submissions made by Mr.Kalaivanan, learned counsel for the petitioner and Mr.Duraisolamalai, learned Additional Government Pleader, who accepts notice for respondents.

5. This Court, without going into the merits of the case projected by the petitioner, permits the petitioner to submit one more representation to the first respondent by enclosing a copy of earlier applications along with the order copy passed in this writ petition within two weeks from the date of receipt of a copy of this order and the first respondent is directed to consider the same on merits and in accordance with law after putting notice on the petitioner and persons concerned and pass orders as expeditiously as possible, not later than twelve weeks thereafter.

Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

gm

To

- 1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Land Administration,
Elizhalagam,
Chepauk,
Chennai - 600 005.
- 3.The District Collector,
Kanchipuram District.
- 4.The Revenue Divisional Officer,
Chengalpet.

5.The Tahsildar,
Thiruporur.

1 cc to Mr.A. Kalaivanan, Advocate, Sr. 23941
1 cc to Government Pleader, Sr. 24224

W.P.No.13177 of 2015

TEJ (CO)
kk 20/5



WEB COPY