

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18-03-2015

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.1334 of 2015

1 V.Palanivelu
S/o.Velayutham Suriyanarayanapuram
Kalathur West Pattukottai Taluk Thanjavur
District .. Petitioner

Vs

1 The Director of Land
Survey Settlement Officer O/o. Land Survey
Chepauk Chennai 5

2 The District Collector
Thanjavur District Collectorate Thanjavur

3 The Asst. Settlement Officer
Land Survey and Land Tax Plan O/o. Land
Survey Chepauk Chennai 5

4 The Revenue Divisional Officer
Pattukottai Thanjavur District Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of writ of Mandamus to direct the 1st respondent to consider petitioner representation dt 22.12.2014 for patta u/s 11 (a) of Estate abolition and Ryotwari Act 26/48 and pass order as per law within a time frame fixed by this Honourable Court.

For petitioner :: Mr. C.Padmaraj
For respondents :: Mr. R.Vijayakumar,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition praying for a writ of mandamus to direct the first respondent to consider the petitioner's representation dated 22.12.2014 for issuance of patta under Section 11 (a) of Estate abolition and Ryotwari Act 26/48 and pass orders as per law within a time frame fixed by this Court.

207), 511, 512 (Part of 207), 215-234, 249-284 comprising a total extent of 551.26 cents at Suryanarayanapuram Village, Pattukottai Taluk, Thanjavur District belong to his grandfather late Veerapuram, purchased in the year 1907 and inherited by his father and his father's two brothers and after their demise, by their legal heirs, including him. The Government of Tamil Nadu under the Estate Abolition Act 26/48, had taken over the Surendriyam Village, Suryanarayanapuram on 08-09-1952 and declared the lands as "Anadeenam" and the petitioner's uncle filed an objection before the Commissioner, Estate Abolition. Further, the Director, Land Revenue, Madras had recommended that the lands be returned to the owners and taking note of this, the Revenue Board also recommended the same to the Government. Since no further steps were taken by the Government in this regard, W.P.Nos.1787, 1788, 1789 of 1965 were filed and this Court declared that the taking over of lands as per Act 26/48 is illegal and the Government had to again ascertain the taking over of the lands as per Act 26/48 and till such time, the Government has to withhold their rights over the properties and the owners have to maintain the properties. Subsequently, the suit filed for return of the land revenue collected, was ordered in their favour and one third share of revenue was also granted.

3. In the mean time, the Government had issued a gazette notification for taking over of the lands and an objection petition filed in this regard was answered against the petitioner and C.M.A.No.12 of 1989 filed against it, before the Estate Abolition Tribunal cum Sub Court, Thanjavur, was awarded in the petitioner's favour and the appeal against this order in STA SR.63028 of 1993 was dismissed on 18-01-2000. Moreover, the petitioner would submit that the Village, which was earlier classified as single revenue Village was bifurcated as Kalathur East and Kalathur West and the revenue records were not updated, till now. The District Revenue Officer, Thanjavur by his order dated 16-04-2001, published through Gazette Notification ordered to enquire and issue patta on application. Pursuant thereto, the petitioner submitted a representation dated 22-12-2014 to the respondent, to enquire and issue patta in the name of the petitioner and other legal heirs under Section 11(a) of the Estate Abolition and Ryotwari Act 26/48. No action was taken on the representation of the petitioner till date, aggrieved by which the petitioner has filed this writ petition.

4. Heard Mr.C. Padmaraj, learned counsel for the petitioner and Mr. R. Vijayakumar, learned Additional Government Pleader, for the respondents.

5. The learned Additional Government Pleader for the respondents, on instructions, would submit that the representation of the petitioner will be considered on merits within the time stipulated by this Court.

6. In view of the above, the writ petition is disposed of directing the third respondent to consider the representation dated 22-12-2014 and dispose of the same on merits and in accordance with

law within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

glp

To

- 1 The Director of Land Survey Settlement Officer O/o. Land Survey Chepauk Chennai 5
- 2 The District Collector Thanjavur District Collectorate Thanjavur
- 3 The Asst. Settlement Officer Land Survey and Land Tax Plan O/o. Land Survey Chepauk Chennai 5
- 4 The Revenue Divisional Officer Pattukottai Thanjavur District.

- 1 cc to Mr. C.Padmaraj, Advocate, SR.No.15418
1 cc to Government Pleader, Sr.No15615

W.P.No.1334 of 2015

pmk.26.3.2015

सत्यमेव जयते

WEB COPY