

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.16308 of 2015

P.Venkata Rao,
Rep. By its General Power of Attorney
Mr.A.K.K.Elangovan

... Petitioner

- Vs -

The State Rep. By
its District Collector,
Thiruvallur District,
Thiruvallur.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 04.04.2013 and 04.06.2014 to cancel the entry in the revenue records as Central Government Poramboke in respect of the lands comprised in S.No.155/2 & 156 in Padiyanallur Village and issue patta to the petitioner.

Petitioner : M/s.V.N.Santhi

For Respondent : Mr.RM.Muthukumar,GA

ORDER

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

2. The petitioner would claim that he is entitled to the lands in S.No.155/2 [comprised in Paimash Numbers 811D, 813 to 830] measuring to an extent of 67.55 Acres and S.No.No.156 [comprised in Paimash Numbers 831 to 837] measuring to an extent of 21.00 Acres situated at Padiyanallur Village, Ponneri Taluk, Thiruvallur District and a patta under the provisions of Tamil Nadu Estates [Abolition and Conversion into Ryotwari] Act, 1948 was also issued in recognition of the pre-existing right. Now, the grievance expressed by the petitioner is that the State Government has transferred an extent of 85.94 Acres of lands comprised in S.Nos.8/2 and 9 as early as in the year 1954 to Overseas Communication Service, a company fully owned by the Government of India for the establishment of overseas communication facilities for locating a Radio Telegraph and Radio Telephone Receiving Station. According to the petitioner, he is continuously communicating with the authorities concerned and, in fact, he has also filed a writ petition in W.P.No.11859 of 2014 seeking to consider the representation of the petitioner and pass orders and this court by order dated 29.04.2014 directed the Secretary to the

Government, Revenue Department, to pass appropriate orders on the representation of the petitioner. According to the petitioner, the said order has not been complied with. The petitioner has also submitted representations dated 04.04.2013 and 04.06.2014 requesting the authority concerned to cancel the entry in the revenue records as 'Central Government Poramboke' in respect of the lands comprised in S.Nos.155/2 and 156 at Padiyanallur Village and issue patta to the petitioner. Since the petitioner has not been favoured with any response, he came forward with this writ petition.

3. This court heard Ms.V.Santhi, the learned counsel appearing for the petitioner. According to the learned counsel for the petitioner, though the State Government has transferred the lands in question as early as in the year 1954 to Overseas Communication Service, a company fully owned by the Government of India, the petitioner continued to make requests for cancellation of patta and hence, the learned counsel prays for appropriate direction to the respondent.

4. Per contra, Mr.RM.Muthukumar, the learned Government Advocate, who accepts notice for respondent would, on instructions, submit that the remedy open to the petitioner, if any, is to enforce the order dated 29.04.2014 passed by this court in W.P.No.11859 of 2014 and the claim projected by the petitioner is a stale one and he is guilty of laches and hence, he would pray for dismissal of the writ petition.

5. The court has considered the rival submissions carefully and also perused the materials available on record.

6. It is the well settled position of law that though the claim projected by a particular party is tenable, if he has slept over the matter for quite long time, he is not entitled for any relief. Even as per the averments made in the writ petition, the land in question was transferred as early as in the year 1954 by the revenue department and it is claimed by the petitioner that he is continuously corresponding with the authorities concerned for getting the entry viz., "Central Government Poramboke" cancelled. In this regard, the petitioner has also filed a writ petition in W.P.No.11859 of 2014 wherein this court by order dated 29.04.2014 directed the authorities concerned to consider the representation of the petitioner. The petitioner did not choose to proceed against the authorities concerned for their alleged non compliance of the order of the court. In the above facts and circumstances of the case, this court is of the considered view that the petitioner's claims is not only stale, but, he is also guilty of delay and laches. Thus, no relief as claimed by the petitioner could be granted and this writ petition deserves dismissal.

7. Accordingly, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

kmk
To

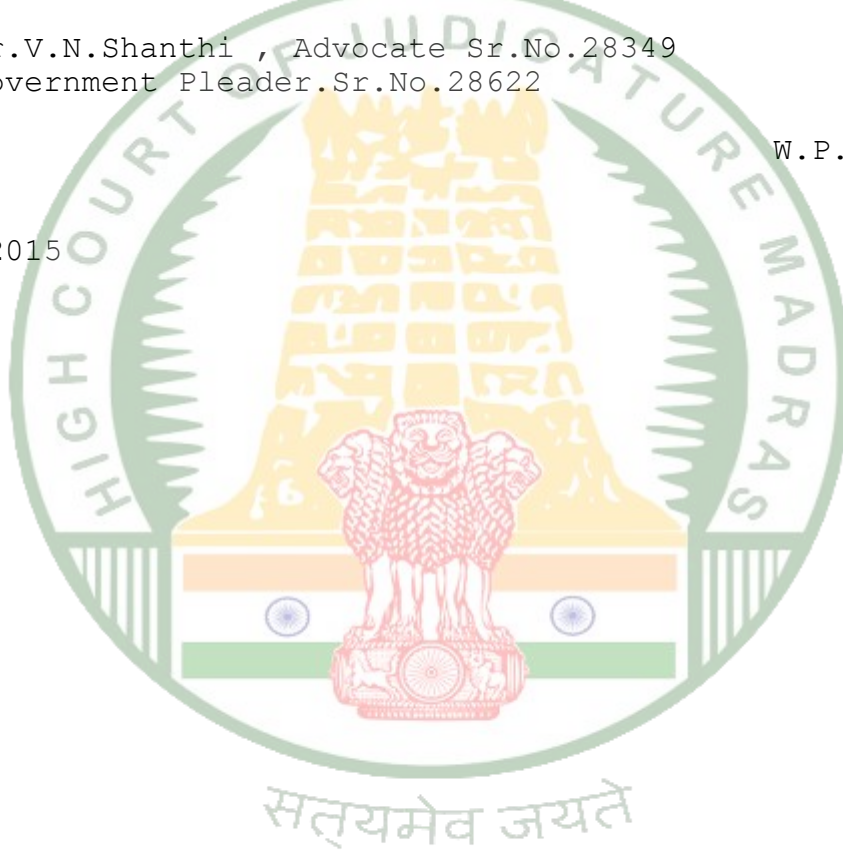
1.The District Collector, Thiruvallur District, Thiruvallur.

1 cc to Mr.V.N.Shanthi , Advocate Sr.No.28349

1 cc to Government Pleader.Sr.No.28622

W.P.No.16308 of 2015

tej (co)
pmk.24.6.2015



WEB COPY