

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.21383 of 2015

and M.P.Nos.1&2 of 2015

Samba Reddy

.. Petitioner

-Vs-

- 1.The District Collector,
Collectorate office, Thiruvallur District.
- 2.The District Revenue Officer - DRO,
District Collector Office,
Thiruvallur District, Thiruvallur.
- 3.Revenue District Officer - RDO,
Ponneri, Thiruvallur District.
- 4.The Tahsildar, Gummidipoondi Taluk,
Gummidipoondi.
5. Block Development Officer,
Gummidipoondi Taluk,
Gummidipoondi.
6. The Village President,
Arambakkam Panchayat,
Arambakkam, Gummidipoondi Taluk, Thiruvallur.
7. Deputy Director of Health Service,
No.54/5, Asoori Street,
Thiruvallur Town, Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, call for the records from the 1st respondent culminating in the order vide No.11856/2014/A2, dated 24.04.2015 and quash the same and directing the 1st respondent to issue patta for the Thoppu Poromboke (Agricultural) Land in favour of Petitioner situated at Arambakkam village, Gummidipoondi Taluk, Thiruvallur District, comprised in S.No.426/2-63 cents.

For Petitioner : Mr.T.Balasubramaniam
For Respondents : Mr.S.Pattabiraman,
Government Advocate for R1 to R5 & R7
Mr.R.Ravichandran for R6

O R D E R

Claiming to be in possession of the land situated S.No.426/2-63 cents, Arambakkam Village, Gummidipoondi Taluk, Thiruvallur District, the petitioner has come forward to file this petition challenging the order dated 24.04.2015 passed by the respondent No.1, by which, an extent of 0.20 Hectares of land was transferred to the Health Department for the purpose of constructing Government Primary Health Centre.

2. Learned counsel for the petitioner submits that he has filed a suit before the Court below based upon possession. He also submitted that the petitioner has been in possession for 40 years.

3. Per contra, learned Government Advocate appearing for the respondents 1 to 5 and 7 submitted that the transfer has been effected after due publication. It is not factually correct to state that the petitioner has been in possession. 25% of the construction is already over. He also produced the photographs to substantiate the same.

4. A perusal of the impugned order dated 24.04.2015 shows that it has been passed based upon the proceedings of the Tahsildar, Revenue Divisional Officer and District Revenue Officer. In fact, two reports have been given respectively both by the Revenue Divisional Officer and the District Revenue Officer, on 04.11.2014 and 31.01.2015. Due publicity has been made in the locality. Thus, the decision has been made based upon inspection. There is absolutely no material to hold that the petitioner was in possession, thereafter and even now. The photograph produced by the learned Government Advocate shows that the possession is otherwise.

5. Submission has been made by the learned counsel for the petitioner that the impugned order has been passed by the respondent No.1 for extraneous consideration. Even for this, there is no material. On the contrary, as discussed above, impugned the order has been passed by taking into consideration the relevant materials including the report of the two officers. Therefore, this Court does not find any merit in the writ petition and mere pendency of the suit cannot be a ground to quash proceedings.

6. In the result, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CSIII)

/true copy/

Sub Asst. Registrar

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To

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Thiruvallur.
- 7.Deputy Director of Health Service,
No.54/5, Asoori Street,
Thiruvallur Town, Thiruvallur District

+1 cc to Mr.T.Balasubramanian, Advocate sr.43164

W.P.No.21383 of 2015

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aa01/09/2015