

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12934 of 2016

1. Dhanabakkiyam, W/o Devaraj
 2. Radha
 3. Pappathy
 4. J.Karpagam
 5. Valli
 6. Jeyalakshmi
 7. Sakunthala
 8. Kanniammal
 9. Vasantha
 10. Muniammal
 11. Jagatha
 12. Renuka
 13. Ganga
 14. Lakshmi
 15. Deivanayaki
 16. Dhanabakkiyam, W/o Mani
 17. Ranikkam
 18. Sekar
- ... Petitioners
- Vs.

1. The District Collector,
Kancheepuram District, Kancheepuram.
 2. The Revenue Divisional Officer,
Chenglepet, Kancheepuram District.
 3. The Tahsildar, Thiruporur Taluk,
Thiruporur, Kancheepuram District.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to issue a patta in respect of the petitioners' land comprised in Survey No.358, situated at No.96, Paiyanur Village, Thiruporur Taluk, Kancheepuram District, where the petitioners are enjoying the same, pursuant to the petitioners' representations, dated 29.10.2014.

For Petitioners : Mr.Durai Gunasekaran

For Respondents : Mr.V.S.Ramesh, Govt. Advocate

ORDER

The petitioners have filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to issue a patta in respect of the petitioners' land comprised in Survey No.358, situated at No.96, Paiyanur Village, Thiruporur Taluk, Kancheepuram District, where the petitioners are enjoying the same, pursuant to the petitioners' representations, dated 29.10.2014.

2. It is the case of the petitioners that larger extent of lands measuring 1.83.0 hectares comprised in the above said survey number of the said Village, were originally classified as Kuttai--Vandipathai (cart-track) and the petitioners have constructed small houses in and around those lands and are in absolute possession and enjoyment of the same for the past 45 years uninterruptedly. They are paying necessary taxes including property tax, obtained electricity service connection and paying consumption charges and are also possessing Family Ration Cards. The Government of Tamil Nadu, in G.O.Ms.No.854, Revenue Ni.Mu.1(2) Department, dated 30.12.2006, issued necessary directions to the concerned authorities to issue patta to the persons similarly placed like the petitioners who are enjoying the lands of the Government for more than ten years. Hence, the petitioners made joint representation dated 14.07.2011 to the first respondent in Jamabandi day for issuance of patta and since there is no response, they again made representations, dated 29.10.2014 to the first respondent, for which also, no action has been taken.

3. While so, in the meantime, Paiyanur Village Panchayat passed a Resolution in No.196, dated 13.10.2014, to grant patta to the respective occupants in the lands and also requested the first respondent to take suitable action in this regard. The first respondent forwarded the said representations of the petitioners, dated 29.10.2014, to the third respondent for enquiry and issuance of patta. The third respondent, vide proceedings dated 12.11.2014 in Na.Ka.No.7210/2014/Aa1, requested the Revenue Inspector of Paiyanur to conduct enquiry and take suitable action. The Revenue Inspector in turn conducted enquiry and by proceedings in U.Mu.No.34/2015, dated 21.01.2015, recommended to the third respondent to consider the said representations of the petitioners and for issuance of patta.

4. It is the grievance of the petitioners that inspite of the above report/proceedings of the Revenue Inspector recommending their case as early as on 21.01.2015 to the third respondent for issuance of patta, the said representation of the petitioners, dated 29.10.2014 have not yet been considered. Hence, the petitioners have filed this Writ Petition for the above relief.

5. Learned counsel for the petitioners submitted that in a similar situation, this Court in W.P.No.27677 of 2015, by order dated 03.09.2015 and in W.P.No.36951 of 2015, by order dated 20.11.2015, while disposing of those Writ Petitions, issued direction to the Tahsildar concerned to consider the representation of the petitioners therein and also to consider the report of the Revenue Inspector therein and pass appropriate orders within time limit specified in the said orders of this Court.

6. Heard the learned Government Advocate appearing for the respondents on the above aspects.

7. Taking into consideration the factual aspects of the matter and without going into the merits of the case, this Court, while following the above said orders of this Court, directs the third respondent to consider the said representations of the petitioners, dated 29.10.2014, conduct enquiry, give an opportunity of personal hearing to the petitioners and other necessary parties, pass appropriate orders, on merits and in accordance with law and also taking into consideration the above said report of the Revenue Inspector, dated 21.01.2015 recommending for issuance of patta to the petitioners and dispose of the said representations, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioners and it is for the third respondent to decide the same while disposing of the said representations.

8. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/
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Sub Asst. Registrar

cs

Copy to

1. The District Collector,
Kancheepuram District, Kancheepuram.
2. The Revenue Divisional Officer,
Chenglepet, Kancheepuram District.

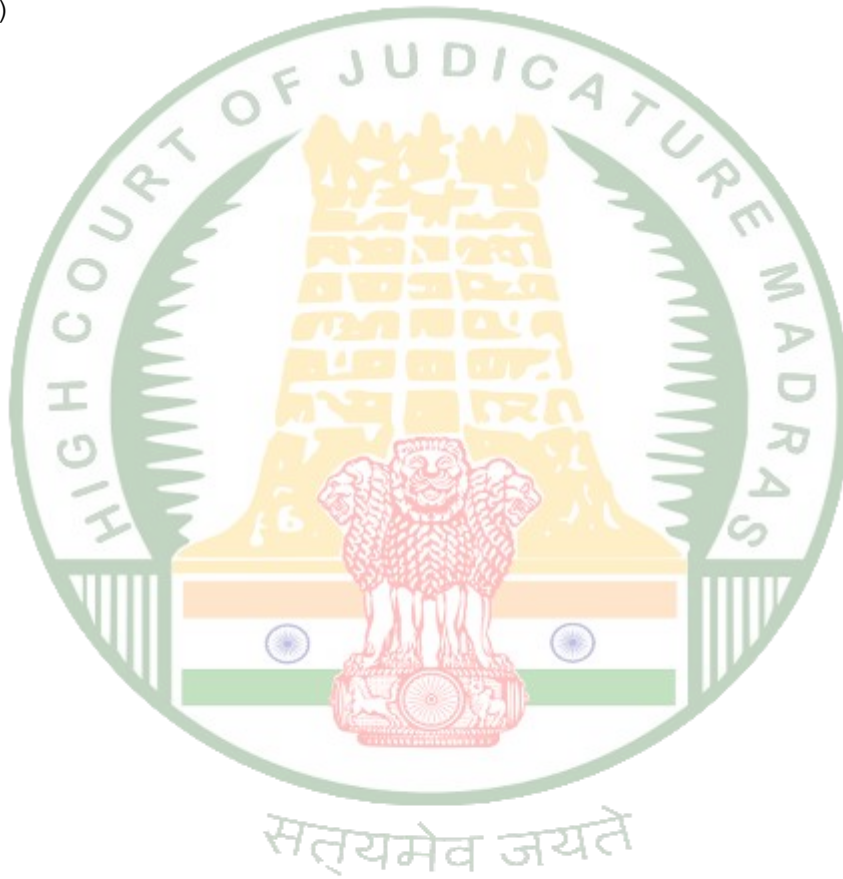
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3. The Tahsildar, Thiruporur Taluk,
Thiruporur, Kancheepuram District.

1 cc to Mr. Durai Gunasekaran, Advocate, Sr. 21806
1 cc to Government Pleader, Sr. 22233

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