

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE  
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.13106 of 2016

Kaliappan

... Petitioner

-Vs-

1. The Principal Secretary /  
Revenue Administrative Commissioner,  
Ezhilagam, Chennai.
2. The Special Commissioner and  
Commissionerate of Land Management,  
Chepauk, Chennai.
3. The District Collector,  
Villupuram, Villupuram District.
4. The District Revenue Officer,  
Villupuram, Villupuram District.
5. The Revenue Divisional Officer,  
Tindivanam, Villupuram District.
6. The Revenue Thasildar,  
Tindivanam, Villupuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 to 6 to conduct enquiry upon the issuance of free patta in Survey No.138 and its Sub Divisions, Government Poramboke Land, situated Alathur Village, Tindivanam Taluk, Villupuram District, and to take appropriate steps to cancel those pattas issued in the name of unidentified persons, and further direct the respondents to issue free patta to the people of Alathur Village, to be utilized only for agriculture purpose, and further direct respondents 1, 2 and 3 to initiate appropriate action against those who have involved in the irregularities of issuing such patta to unknown persons and remove all unauthorized constructions, enabling the villages to do their agricultural work.

For Petitioner : Mr.B.Balavijayan

For Respondents : Mr.V.R.Kamalanathan,  
Additional Government Pleader  
assisted by  
Mr.V.Shanmugasundar,  
Government Advocate

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance of the petitioner is that Government poramboke land situated in Survey No.138 and its sub-divisions in Alathur Village were allotted by issuance of free pattas to the landless poor of the village for agricultural purposes. But, instead, practically some unknown persons committed irregularities on a large scale and the allotment did not mature in favour of the eligible persons. On the other hand, there was illegal sand and gravel quarrying resulting in complete damage to a lake.

2.The initiation on behalf of the petitioner commenced on 10.11.2009 by a representation to the respondents and the Revenue Administrative Commissioner / the first respondent, of the District called upon the Special Commissioner of Land Management / second respondent to look into the matter. The petitioner claims that the District Collector / the third respondent, in turn, instructed the District Revenue Officer / fourth respondent and the Revenue Divisional Officer / fifth respondent, Villupuram District, to examine the matter from site perspective, but in between the proceedings were almost at a stand still. The petitioner again made a complaint and finally, on 10.12.2013, the fifth respondent / R.D.O. addressed a communication to the third respondent / District Collector stating that out of the pattas issued in the name of 37 persons, only 3 were identified and the others were unknown.

3.On the basis of the aforesaid finding, the petitioner made a representation on 04.02.2014 to the first and third respondents followed up with another representation on 21.01.2016 to the third respondent.

4.We are unable to appreciate as to why the respondent authorities have not taken any action once they themselves deciphered that a number of pattas have been issued in the names of ineligible persons. It calls for an action against the unauthorised occupants who have improperly obtained patta.

5.We, thus, call upon the District Collector / third respondent to ensure that the matter is taken to its logical conclusion and action in accordance with law is taken to re-possess the land from the persons who have obtained without being entitled to be so. The needful be done within a maximum period of three (3) months from the date of receipt of the order, after notice to all concerned and by a speaking order in accordance with law.

6.Writ Petition, accordingly, stands disposed of. No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Principal Secretary /  
Revenue Administrative Commissioner,  
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2. The Special Commissioner and  
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5. The Revenue Divisional Officer,  
Tindivanam, Villupuram District.
6. The Revenue Thasildar,  
Tindivanam, Villupuram District.

+lcc to Mr.B.Balavijayan, Advocate, S.R.No.22410

+lcc to the Government Pleader, S.R.No.22393

W.P.No.13106 of 2016

SKS(CO)  
CA(25/04/2016)