

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

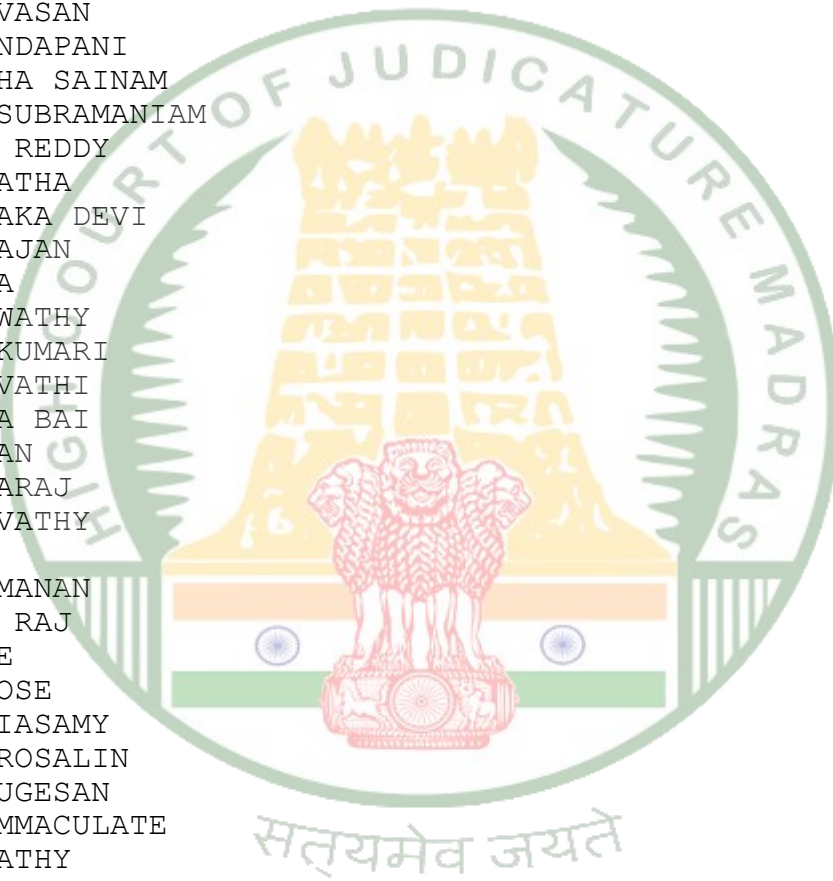
W.P.No.10738 of 2012

&

MP.No. 1 & 2 of 2012

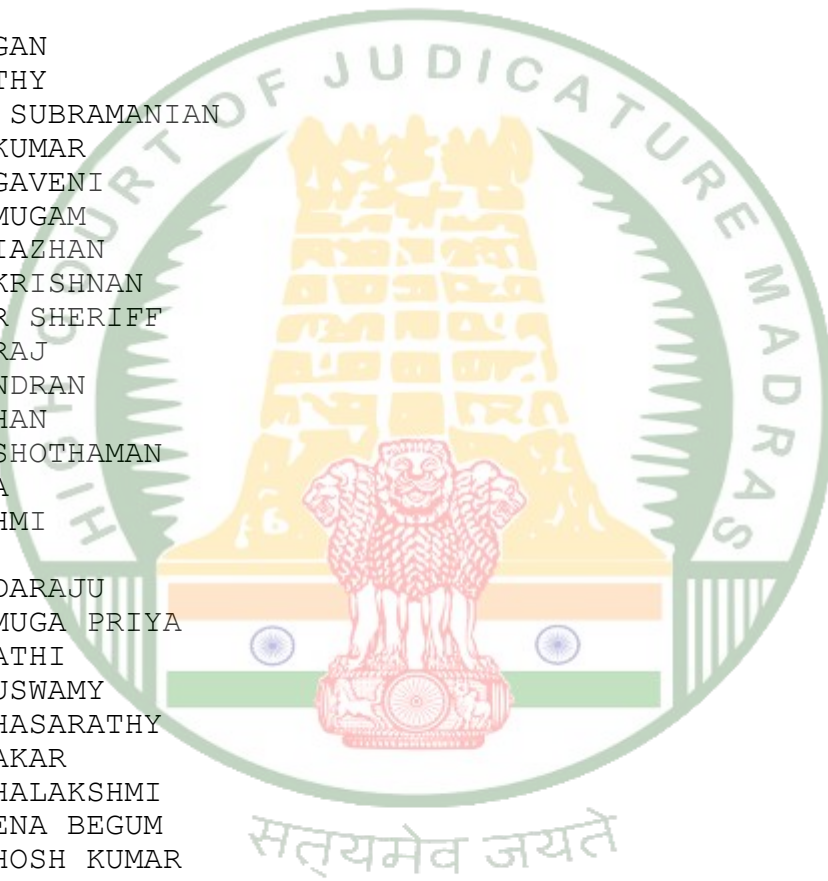
1. S.SREEDHARAN
2. S.JAYAKANTHAN
3. D.M.J.SILLET
4. G.GOVINDARAJALU
5. A.MURTHI
6. R.CHANDRASEKARAN
7. D.DEVI
8. P.GIRIJA
9. K.MARIYAMMAL
- 10.S.NALLU THEVAR
- 11.E.MURTHY
- 12.M.UDAYASOORIYAN
- 13.G.LALITHA
- 14.S.NEELAKANDAMOORTHY
- 15.P.KUMAR
- 16.D.RAMESH
- 17.A.V.PARTHASARATHY
- 18.K.CHINNA RAO
- 19.T.KANAKARAJ
- 20.S.MANI
- 21.G.SRINIVASAN
- 22.B.GAJENDRAN
- 23.M.RAJA
- 24.A.R.ARAVINDAKSHA MENON
- 25.S.AUGESTIN GOLAS
- 26.S.R.PONNAMMAL
- 27.A.MARLINE PRABHAKARAN
- 28.J.CLEMENT
- 29.K.MADHESWARAN
- 30.G.C.VENKATESAN
- 31.G.SAROJINI
- 32.K.JAYALAKSHMI
- 33.J.SELVARAJ
- 34.G.LOGAPRIYAA
- 35.K.MANI
- 36.M.HEMA MALINI
- 37.K.SUBASH

38.T.KABALI
39.G.RAJALINGAM
40.R.GOVINDAN
41.M.PARTHASARATHY
42.S.VELAYUDAM
43.V.VIMALA
44.K.RAJALAKSHMI
45.A.L.SINDHA SAHUL HAMEED
46.A.EDWIN
47.P.DHAMODHARAN
48.M.RAMESH
49.M.MUNIAMMAL
50.P.SRINIVASAN
51.S.GOTHANDAPANI
52.D.ANANDHA SAINAM
53.A.BALA SUBRAMANIAM
54.E.VEEMA REDDY
55.P.HEMALATHA
56.M.SHENBAKA DEVI
57.R.NAGARAJAN
58.V.RADIKA
59.V.SARASWATHY
60.C.UDAYAKUMARI
61.M.LEELAVATHI
62.R.YAMUNA BAI
63.S.PANDIAN
64.K.S.RAMARAJ
65.B.LEELAVATHY
66.J.DASS
67.P.LEKSHMANAN
68.L.SHIBU RAJ
69.S.GEORGE
70.LEEMA ROSE
71.P.AROCKIASAMY
72.R.MARY ROSALIN
73.V.R.MURUGESAN
74.SUSAN IMMACULATE
75.M.KALAVATHY
76.C.KUPPAN
77.K.DHASHANA MOORTHY
78.R.V.BALACHANDRAN
79.A.PARIMALA
80.M.ELLAPPAN
81.M.DHANAM
82.K.MUTHU RAMAN
83.B.VENKATESAN
84.S.R.RANGANATHAN
85.D.MANI
86.T.RAJENDRAN
87.S.RAVI
88.R.SAMPATH
89.M.SATHISH KUMAR



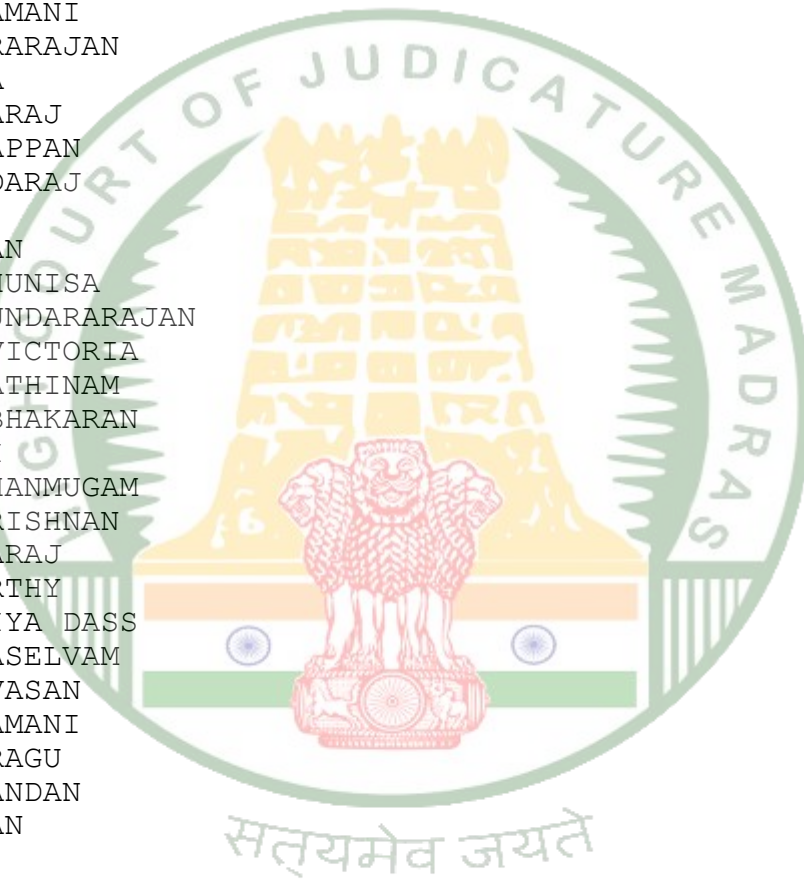
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90.M.VEERARAGHAVAN
91.K.VENKATESH
92.R.SAMPATH
93.A.THIRUSILUVAI
94.S.SEETHARAM
95.ANDREW SILLET
96.M.SEKAR
97.A.V.LINGAM
98.S.POORICHAND
99.INDIRA RAVI
100.G.RAJESHWARAN
101.S.UDAYAKUMAR
102.S.DEVI
103.M.MURUGAN
104.P.MOORTHY
105.D.BALA SUBRAMANIAN
106.G.SIVAKUMAR
107.M.THANGAVENI
108.P.SHANMUGAM
109.B.MATHIAZHAN
110.V.BALAKRISHNAN
111.A.AKBAR SHERIFF
112.K.DEVARAJ
113.P.RAJENDRAN
114.R.AGAKHAN
115.N.PURUSHOTHAMAN
116.M.THARA
117.S.LAKSHMI
118.V.RAJA
119.K.SOUNDARAJU
120.K.SHANMUGA PRIYA
121.R.BOOPATHI
122.G.MUTHUSWAMY
123.C.PARTHASARATHY
124.T.SUDHAKAR
125.T.S.MAHALAKSHMI
126.C.HASEENA BEGUM
127.M.SANTHOSH KUMAR
128.G.DAMAYANTHI
129.K.ABARANJI
130.G.SIVAKUMAR
131.R.PONNAMMAL
132.N.RANGA BASHYAM
133.M.A.JAGANATHAN
134.S.SHANMUGAM
135.M.VASANTHA
136.R.NALAMEENA
137.K.ASHOK
138.B.RENUKADEVI
139.B.KANNAN
140.G.RAJESWARI
141.K.BALASUBRAMANIAN



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142.V.DHANDAYUTHA PANI
143.S.B.MAHESHWARAN
144.G.PARTHIBAN
145.G.KASTHURI
146.B.VASUDEVAN
147.A.SHANTHI
148.I.NOVANAVAGIVAN
149.S.R.A.JUSTIN
150.ROSEMARY EMMANUEL
151.C.DHARMALINGAM
152.P.RAJENDRAN
153.K.DEVARAJ
154.S.KANTHAMANI
155.N.SUNRARARAJAN
156.A.ZERINA
157.S.I.JAYARAJ
158.C.CHELLAPPAN
159.E.GOVINDARAJ
160.F.JAMES
161.S.MURUGAN
162.HABEEB HUNISA
163.M.L.A.SUNDARARAJAN
164.M.MARY VICTORIA
165.M.MUNIRATHINAM
166.M.S.PRABHAKARAN
167.P.C.MANI
168.S.SIVASHANMUGAM
169.G.BALAKRISHNAN
170.T.THANGARAJ
171.K.K.MOORTHY
172.M.AROCKIYA DASS
173.R.MARIYASELVAM
174.S.SRINIVASAN
175.S.THANGAMANI
176.R.RANGARAGU
177.K.MANIKANDAN
178.S.IYAPPAN
179.L.MANI
180.M.SELVARAJ
181.S.KUMAR
182.R.SENTHAMIL SELVI
183.S.SENTHIL KUMAR
184.SUDHAKASALINGAM
185.M.SUDHA
186.S.RAJALAKSHMI
187.V.LAKSHMI
188.D.REKHA
189.K.LAKSHMI BAI
190.S.SAKTHIVELAN
191.R.MANIMEGALAI
192.S.SHANMUGAM
193.S.ANGAMMAL



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194.R.SELVARAJ
195.V.SOUNTHARAJAN
196.INDIRA ARAVIND
197.M.PADMAVARADHAN
198.R.RAMESH
199.A.S.RAJI
200.V.VIJAYALAKSHMI
201.C.HARIDASS
202.S.RENGARAJ
203.A.PARTHASARATHY
204.A.RAJAN
205.K.SARAVANAN
206.J.CHITHRA
207.N.LIYAKATALI
208.A.DHANAM
209.P.SUNDARESAN
210.S.SELVAPANDIAN
211.G.KOPALAN
212.K.S.RAO
213.R.RAMYA
214.SUGANTHI.J
215.J.ESTHER GLADY
216.S.SUNDAR
217.A.V.JOSEPH
218.MANJU GOBAN
219.G.DEVIKA
220.NARMADHA
221.J.UMA GOWRI
222.M.ABDULKALAM AZAD
223.C.T.KASILINGAM

... Petitioners

Vs.

1. THE GOVERNMENT OF TAMILNADU
MINISTRY OF FINANCE AND REVENUE DEPARTMENT
REP BY ITS SECRETARY TO THE GOVERNMENT
FORT ST.GEORGE, CHENNAI - 1.
2. THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT
KANCHEEPURAM.
3. THE SPECIAL COMMISSIONER AND
COMMISSIONER OF LAND ADMINISTRATION
CHEPAUK, CHENNAI - 5.
4. THE SECRETARY
PUBLIC WORKS DEPARTMENT
MADRAS - 9.

5. THE CHIEF ENGINEER (IRRIGATION)
P.W.D. CHEPAUK
CHENNAI - 5.

6. THE THASILDAR
SAIDAPET TALUK
CHENNAI - 45.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus calling for records pertaining to G.O.Ms.No.313/ Revenue (Ni.Mu.1), dated 23.5.2005 and quash the same and consequently directing the respondents to assign the lands and issue Patta in favour of the petitioners.

For Petitioners : Ms.V.Pushpa

For Respondents : Ms.Vasudha Thiagarajan
Addl. Government Pleader

ORDER

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

On 5.12.2016, we had noted as under:

"The petitioners' request for grant of patta has been declined by the impugned order 23.5.2005 at page 30. The impugned order records that the land in question is tank land and being a water area, apart from any other reason patta cannot be issued. Now, there is a legal impediment in granting patta, in view of the Full Bench judgment of this Court in T.K.Shanmugam, Secretary, CPI(M), North Chennai District Committee, 52, Cooks Road, Perambur, Chennai - 11 v. The State of Tamil Nadu, rep. by its Secretary to Government, Department of Revenue, Fort St. George, Chennai - 9 and others, reported in 2015-5-L.W.397."

2. The learned counsel for the petitioners has not been able to persuade us as to how pattas can be given in respect of the land in question in view of the aforesaid impediment.

3. The learned counsel for the petitioners faced with the aforesaid position states that the petitioners had vacated the original site on a premise that they would be rehabilitated by issuance of patta and if patta cannot be issued in respect of the land in question, then the petitioners may be rehabilitated in some other place.

4. The aforesaid is an aspect which the State Government may examine qua the issue of an alternative site being given to the petitioners and the exercise be completed within a maximum period of three months from the date of receipt of the order.

The petition, accordingly, stands closed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To:

1. THE SECRETARY TO THE GOVERNMENT
GOVERNMENT OF TAMILNADU
MINISTRY OF FINANCE AND REVENUE DEPARTMENT
FORT ST.GEORGE, CHENNAI - 1.
2. THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT
KANCHEEPURAM.
3. THE SPECIAL COMMISSIONER AND
COMMISSIONER OF LAND ADMINISTRATION
CHEPAUK, CHENNAI - 5.
4. THE SECRETARY
PUBLIC WORKS DEPARTMENT
MADRAS - 9.
5. THE CHIEF ENGINEER (IRRIGATION)
P.W.D. CHEPAUK
CHENNAI - 5.
6. THE THASILDAR
SAIDAPET TALUK
CHENNAI - 45.

+1 cc to M/s.V.Pushpa, advocate, sr.73361

+1 cc to Govt.Pleader, sr.73683.

mv(co)
krd 27/12

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W.P.No.10738 of 2012