

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.10.2016

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.5847 of 2013
and M.P.No.1 of 2013

Manoharan

.. Petitioner

Vs

- 1.The Secretary to Government,
Ministry of Local Administration
Fort St.George, Chennai 600 009.
- 2.The President,
Pazhamathur Village Panchayat,
Maduranthagam Taluk,
Kancheepuram District.
- 3.The Tahsildar,
Maduranthagam Taluk,
Kancheepuram District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 01.03.2013.

For Petitioner : Ms.P.Kalaimani
For R1 & R3 : Mr.R.Govindasamy
Spl.Govt.Pleader
For R2 : Mr.P.Chinnadurai
Government Advocate.

O R D E R

This writ petition has been filed to issue a writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 01.03.2013.

2. Heard, Ms.P.Kalaimani, learned counsel appearing for the petitioner ; Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents 1 and 3 and Mr.Government Advocate appearing for R2.

3. The learned counsel for the petitioner submits that the petitioner was in physical possession of 6 acres and 20 cents of

lands comprised in S.Nos.293 to 306/2 situated at pazhamathur Village, Madurantakam Taluk, Kancheepuram District, which was allotted to them, in appreciation of his father's service. After the demise of his father, the petitioner and other legal heirs of the erstwhile allottee, have been in possession of the same for the past 65 years. The petitioner claims to have made a representation to the second respondent claiming for issuance of patta and a representation dated 01.03.2013, by way of reminder, to consider the claim of the petitioner.

4. The learned Government Advocate appearing for the second respondent, while opposing the claim made by the petitioner would submit that the land comprised in S.Nos.293 is classified as Koil; S.No.298/2 is classified as Kulam and the lands comprised in S.Nos.294/1, 299, 300, 301, 302/2, 302/3, 303, 305, 306/2 are all classified as thangal Uluvai (Water Course Poramboke).

5. The learned Special Government Pleader appearing for the respondents 1 and 3 would submit that since these lands are classified as water bodies, no patta can be issued to the petitioner.

6. The prayer sought for in the writ petition is only to consider the representation which was given to the second respondent. It is needless to point out that if at all, the respondent considers that the claim of the petitioner cannot be granted, they can very well reply to the representation, instead of keeping it pending. The very fact that the representation has been pending for such a long time amounts to dereliction of duty on the part of the respondent.

7. Under such circumstances, the petitioner is permitted to make out a fresh application to the third respondent, who is the competent authority, for considering the issuance of patta and on receipt of such representation, the third respondent shall pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. It is made clear that, I have not expressed any views with regard to the petitioner's entitlement for patta.

9. With the above observations, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
Ministry of Local Administration
Fort St.George, Chennai 600 009.

2.The President,
Pazhamathur Village Panchayat,
Maduranthagam Taluk,
Kancheepuram District.

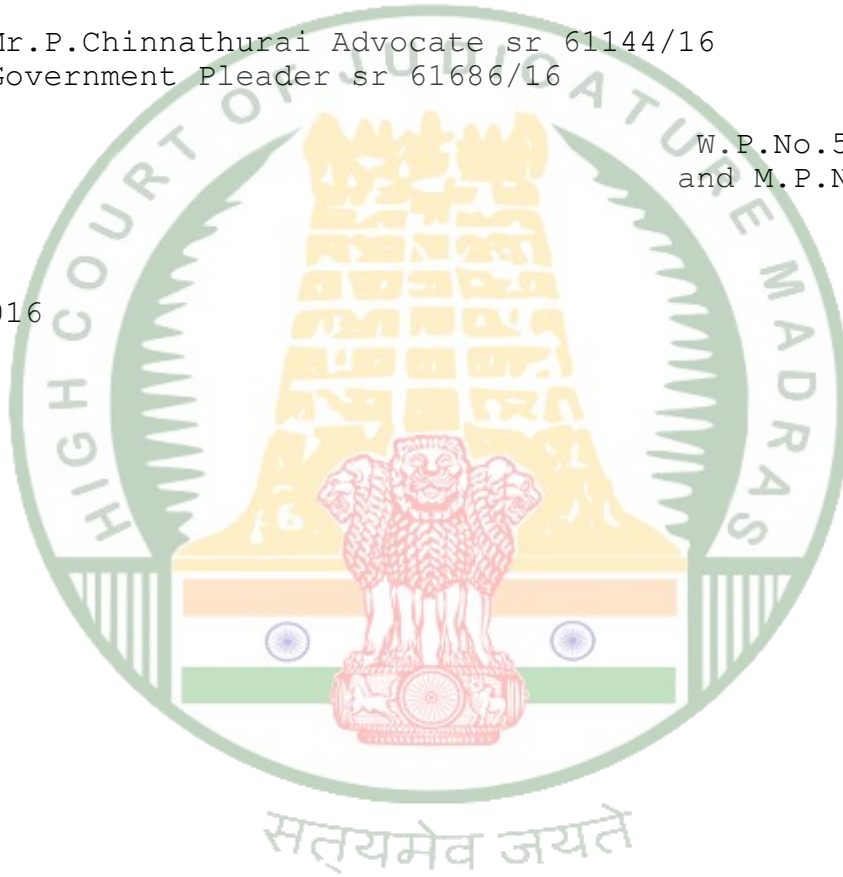
3.The Tahsildar,
Maduranthagam Taluk,
Kancheepuram District.

+1 cc to Mr.P.Chinnathurai Advocate sr 61144/16

+1 cc to Government Pleader sr 61686/16

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