

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.26719 of 2016

1.S.Ashokan
2.S.Haridass
3.K.Banumathi
4.R.K.Yesudasan

.. Petitioners

Versus

1. The Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
2. The Principal Commissioner and
The Commissioner for Land Administration,
Chepauk, Chennai 600 005.
3. The District Collector,
Kancheepuram District,
Kancheepuram 631 501.
4. The District Revenue Officer,
Kancheepuram 631 501.
5. The Revenue Divisional Officer,
Chengalpet 603 001.
6. The Tahsilar,
Tirupporur Taluk,
Tirupporur 603 110,
Kancheepuram District

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to forward all the reports received by him, including the report dated 18.07.2013, made by the sixth respondent in his Rc.No.1195/2013/B1, to the fourth respondent through the fifth respondent and as forwarded by the fourth respondent in his Rc.No.4146/2013/B dated 06.08.2013, pertaining to the grant of patta to the petitioners, in respect to the lands in Survey No.84/5 in No.35, Kanathur Reddikuppam Village, Tirupporur Taluk, Kancheepuram District, to the second respondent, within a time frame fixed by this Court.

For Petitioner : Mr.S.Subbiah
For Respondents : Mr.A.Kumar
Spl.Govt.Pleader

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus directing the third respondent to forward all the reports received by him, including the report dated 18.07.2013, made by the sixth respondent in his Rc.No.1195/2013/B1, to the fourth respondent through the fifth respondent and as forwarded by the fourth respondent in his Rc.No.4146/2013/B dated 06.08.2013, pertaining to the grant of patta to the petitioners, in respect to the lands in Survey No.84/5 in No.35, Kanathur Reddikuppam Village, Tiruporur Taluk, Kancheepuram District, to the second respondent, within a time frame fixed by this Court.

2. According to the petitioner, the village No.35, Kanathur Reddikuppam was originally an estate, called as Zamin Village and the lands in the village had been taken over under the provisions of the Tamil Nadu Estate Abolition and Conversion into Ryotwari Act. The lands in Survey Nos.84/52, 53, 57 to 61 in the said village, originally stood in the name of one Natesan Naicker and he was holding the land, upon the payment of Melwaram and after taking over, all the above lands were clubbed together and they were brought within one field in S.No.84/15. After that, the lands were vested with the Government, for the purpose of distribution of the lands and for the grant of Ryotwari Patta. Notices were sent to the land holders regarding the grant of patta. But as per the records, it is noticed that the name of the said Natesan Naicker was rounded off, and the lands were classified as "Anatheenam", and its extent is 1 acre and 5 cents. The said Natesan Naicker divided the said lands into several plots and sold the same under several sale deeds in favour of the said purchasers. The petitioners have purchased different plots as vacant lands and are in possession and enjoyment of the same and they have put up their own residential houses and they have approached the Tahsildar for issuance of separate patta, in their name and they were informed that the lands had been classified as "Anatheenam" in the revenue records and on that basis the Tahsildar had no power either for sub-division or for issuance of separate patta.

3. It is further stated that the petitioners in this regard, made representation dated 05.09.2012 to the second respondent and the second respondent vide his letter dated 14.09.2012 requested the third respondent to send a detailed

report, on the request of the petitioners, along with the village records by 30.09.2012. But, the third respondent has not sent any report to the second respondent inspite of the recommendations made by the respondents 4 to 6 by enclosing the necessary documents. Since, no response is forthcoming, the petitioners made several representations and the last of such representation was made on 04.06.2015. But no action was taken till date and hence, the petitioners have come forward with the present writ petition.

4. Heard the learned appearing for the petitioners and learned Special Government appearing for the respondents.

5. Though the writ petition has been filed for a larger relief, this Court, without going into the merits of the claim made by the petitioners, directs the respondents, to consider the representations of the petitioners and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of the order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS-VI)

//True Copy//

Sub-Assistant Registrar

To

1. The Secretary to Government,
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5. The Revenue Divisional Officer,
Chengalpet 603 001.

6. The Tahsildar,
Tirupporur Taluk,
Tirupporur 603 110,
Kancheepuram District

+1 CC to Mr. S. Subbaiah, Advocate sr 73352
+1 CC to Govt. Pleader sr 73654

KGK(CO)
sp/1/2

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