

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.78 of 2016 and C.M.P. No.950 of 2016

- 1 The Government of Tamil Nadu
represented by its Secretary
Revenue Department
Chennai
 - 2 The Collector
Nilgiris District, Ooty
 - 3 The Revenue Divisional Officer
Gudalur
 - 4 The Settlement Tahsildar
Gudalur
- Appellants/Respondents

Vs.

K. Chairman Durai (died)

- 1 C. Bagyavathi @ Bagyam Chairman Durai
 - 2 C. Vasanthamary
 - 3 C. Raja John
 - 4 C. Chandrasekar Christopher
 - 5 C. Sugantha Esther
 - 6 C. Basker Jeshuram
 - 7 C. Ebenezer
- ... Respondents/Petitioners

Writ Appeal preferred under Clause 15 of the Letters Patent challenging the order dated 23.04.2014 passed in W.P. No.34277 of 2002 to issue a Writ of Certiorarified Mandamus Calling for the records pertaining to L.Dis.A1/3713/2001, dated 08/11/2001 on the file of the third respondent, quash the same and directing the third respondent to issue patta to the petitioner in respect of the land comprised in O.S.No.P4 and R.S.No.853/1, of Thorapalli, Gudalur Taluk.

For appellants

Mrs. A. Srijayanthi
Spl. Govt. Pleader

For respondents

Mr. S.M. Loganathan
for Mr. G. Saravanakumar

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. G. Saravanakumar, learned counsel, on caveat, accepts notice for the respondents. With consent, the instant intra-Court appeal is taken up for final disposal, at the admission stage itself.

2 This intra-Court appeal is focussed against the order dated 23 April 2014 rendered in W.P. No.34277 of 2002.

3 To avoid prolixity, the parties are referred to as per their litigative status in this intra-Court appeal.

4 Shorn of the minute details, the important facts in a nutshell, leading to the filing of this intra-Court appeal are that the respondents, seemingly made an application on 08 May 2001 seeking patta for the lands in question. In response, the third appellant addressed a letter dated 08 November 2001 to the respondents stating that grant of assignment of land is banned by G.O.Ms.No.1168, Revenue Department dated 25 July 1989; the said ban is still in currency and their request would be taken up for consideration as soon as the ban is lifted. The respondents assailed the legality and validity of the said letter and also sought a direction to the third appellant to issue patta to them by preferring the instant writ petition being W.P. No.34277 of 2002. The learned Single Judge, by the impugned order, quashed the letter dated 08 November 2001 of the third appellant impugned in the writ petition and disposed of the writ petition, directing the third appellant to issue patta to the respondents in respect of the lands in question within three months. Thereagainst, the State is before us in this intra-Court appeal.

5 Today, when the matter is taken up for hearing, the learned counsel appearing for the respondent, on caveat, fairly submits that the direction given by the learned Single Judge to grant patta straightaway may not be sustainable in the eye of law. However, the respondents will be satisfied, if a direction is issued to the appellants/State Government to consider grant of patta, in the light of various factors available in the case.

6 As a riposte, the learned Special Government Pleader appearing for the appellants submits that the authorities have no objection to reconsider the issue in the light of several documents submitted by the respondents and also other factors, as aforesaid, on its own merit.

In view of the foregoing, we dispose of this intra-Court appeal directing the appellants to consider the respondents' case qua grant of patta, if permissible, on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Costs made easy. Connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1 The Secretary,
Government of Tamil Nadu,
Revenue Department,
Chennai.
- 2 The Collector,
Nilgiris District, Ooty.
- 3 The Revenue Divisional Officer,
Gudalur.
- 4 The Settlement Tahsildar,
Gudalur.

+1cc to Mr.Mr.G.Saravanakumar, Advocate, S.R.No.6018
+1cc to the Government Pleader, S.R.No.6517

W.A. No.78 of 2016

gj (CO)
srg(10/02/2016)

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