

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

WP.No.37898 of 2016

T.S.Velu ..Petitioner
...Vs...

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Revenue Divisional Officer,
Thiruthani,
Thiruvallur District.

3. The Tahsildar,
Pallipattu Taluk,
Thiruvallur District.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to assign the land comprised in Survey No.116/15 admeasuring an extent of 0.14.0 acres (35 cents) in the name of the petitioner in pursuant to the GO MS No.248 dated 28-07-2009.

For Petitioner : Mr.L.Dhamodaran
For Respondents : Mr.A.Kumar, Spl.GP

ORDER

Heard the learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader who accepts notice on behalf of the respondents and with the consent of the either side, the writ petition is taken up for final disposal.

2.The case of the petitioner is that he is the absolute owner of the agricultural lands comprised in S.Nos.116/1A to 12, 104/24, 112/8, 113/6, 113/14 and was also issued with Patta No.236 and is carrying on agricultural operations. It is his further case that in the middle of the aforesaid property, a piece of land admeasuring to an extent of 0.14 ares comprised in S.No.116/15 was classified as "Anaadeenam Land" and since the petitioner required that portion of land for his agricultural operation, he had approached the Revenue Authorities for

assignment of the above said portion of land in his favour. The petitioner was directed to pay two times the market value of the property and as per the direction of the Authorities, the petitioner remitted a sum of Rs.1,64,920/- on two occasions. Despite paying the amount demanded, patta was not issued in the name of the petitioner with regard to the said portion of the land. When the petitioner approached the authorities, he was informed that the issuance of patta in his favour is in process and the same will be issued at the earliest. In spite of such an assurance, the petitioner was not issued with any patta. Hence, the petitioner filed WP.No.3654/2014 before this Court and this Court, vide order dated 20.01.2015 had disposed of the said writ petition by directing the 2nd respondent to consider the petitioner's representation seeking assignment of land and issuance of patta for the aforesaid property as expeditiously as possible. Subsequently, the respondents 2 and 3 informed the petitioner that vide GO.Ms.No.248 dated 28.07.2009, the 1st respondent is empowered to assign the lands to the petitioner. In this regard, the representation submitted by the petitioner to the 1st respondent dated 16.06.2016 did not fructify and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

3. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in this writ petition or in his representation dated 16.06.2016, directs the 1st respondent to consider and dispose of the said representation on merits and in accordance with law after taking into consideration G.O.Ms.No.248 dated 28.07.2009 and also in the light of the recommendations made by the 2nd respondent dated 29.12.2015 and pass orders within a period of four months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

4. The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

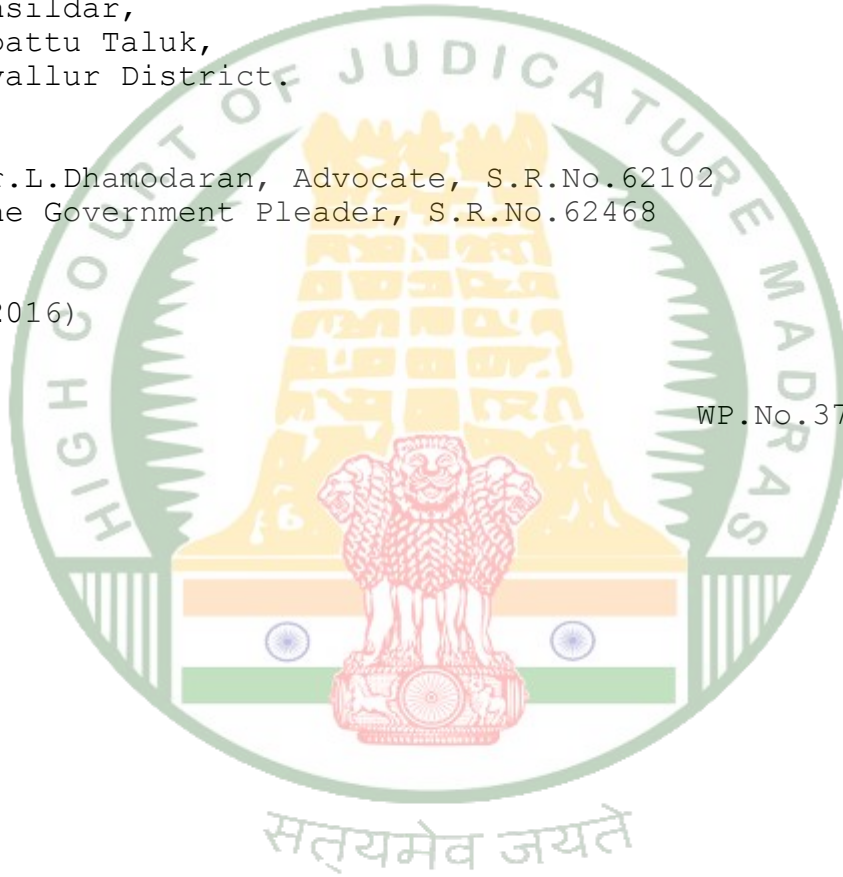
2.The Revenue Divisional Officer,
Thiruthani,
Thiruvallur District.

3. The Tahsildar,
Pallipattu Taluk,
Thiruvallur District.

+1cc to Mr.L.Dhamodaran, Advocate, S.R.No.62102
+1cc to the Government Pleader, S.R.No.62468

RSY(CO)
EU(29/11/2016)

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