

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM :

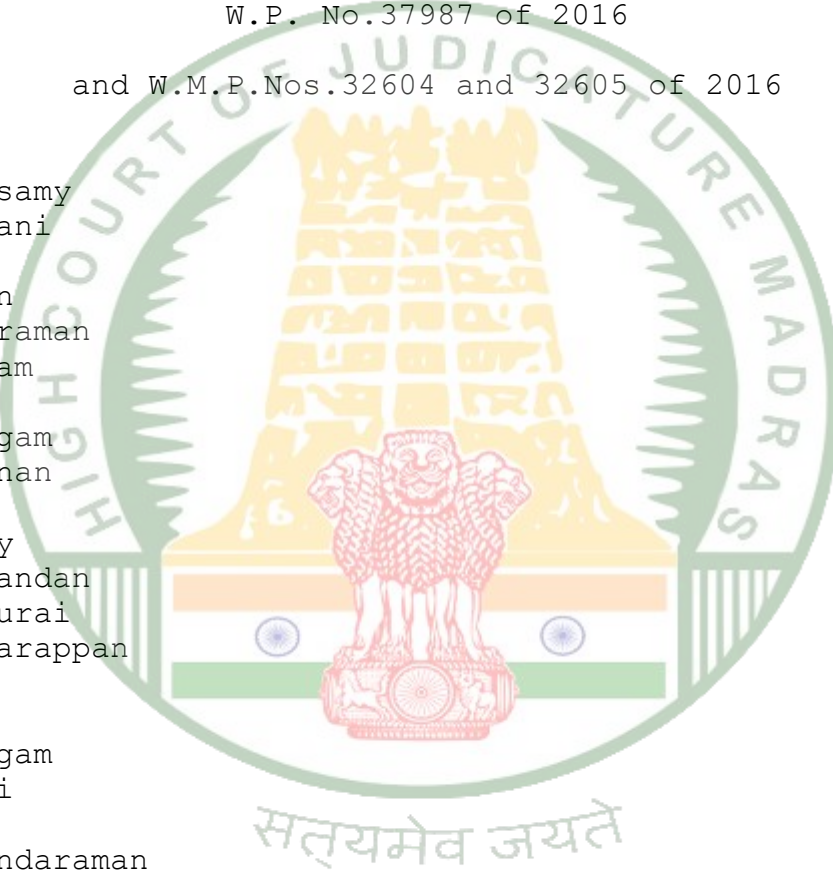
The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.37987 of 2016

and W.M.P.Nos.32604 and 32605 of 2016

- 1.A.Kumarasamy
- 2.K.Subramani
- 3.D.Selvi
- 4.c.Ganesan
- 5.K.Seetharaman
- 6.M.Karpagam
- 7.K.Mani
- 8.K.Shanmugam
- 9.V.Saravanan
- 10.P.Velu
- 11.E.Murthy
- 12.E.Manikandan
- 13.P.Appadurai
- 14.P.Ayyanarappan
- 15.K.Kali
- 16.P.Mani
- 17.M.Arumugam
- 18.P.Palani
- 19.M.Settu
- 20.V.Kothandaraman
- 21.U.Theerthamalai
- 22.D.malliga
- 23.P.Arumugam
- 24.G.Muthukrishnan
- 25.E.Durai
- 26.P.Sagadevan
- 27.P.Subramani
- 28.K.Natarajan
- 29.M.Dharani Kumar
- 30.M.Vinod Kumar
- 31.M.Raj Kumar



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.. Petitioners

1.The Govt. of Tamil Nadu,
Rep. By The Secretary,
Revenue Department, Chennai-9.

2.The Commissioner,
Land Administration,
Chepauk, Chennai-9.

3.The District Collector,
Office of the District Collector,
Kancheepuram District.

4.The Tahsildar,
Madurandhagam Taluk,
Kancheepuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings in Na.Ka.No.10568/2015 A3 dated 22.07.2015 issued by the 3rd respondent, quash the same and direct the respondents 1 to 3 to grant patta for the lands in Survey No.405/3, 107, Athur Village, Madhurandhagam, Kancheepuram District.

For petitioners	:	Mr.R.Subramanian
For Respondents	:	Mr.M.K.Subramanian
		Govt. Pleader

O R D E R

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

On hearing the learned counsel for parties, what emerges and that too, after repeated questions of the Court, that undisputedly the land in question is categorised as grazing land. It is trite to say that pattas cannot be issued in grazing land. In fact, even if the character of the land has to be changed from grazing land, alternative grazing land has to be provided in terms of G.O.Ms.No.854, Revenue Department, dated 30.12.2006. That has not happened.

2.Learned counsel for the petitioners states that in effect, the villagers have converted the grazing land into agricultural land and have been obtaining agricultural produce for the last many years. In our view, that itself will not give credence to the plea of the petitioners. However, if the Government, in the given factual situation prevalent, taking into consideration the

veracity of the plea of the petitioners that they have been growing produce for a number of years, seeks to convert the grazing land into poramboke land for purposes of issuance of pattas to the petitioners, it may do so but subject to G.O.Ms.No.854, dated 30.12.2006, which requires alternative grazing land to the so designated.

3.The process of scrutiny of the case of the petitioners had gone through two stages and it has been held in the impugned order that the second appeal would not be maintainable. This is so, as pattas cannot be issued as the land stands today. The first respondent, as informed by the learned Government Pleader, is the authority who would be competent to look into the issue of conversion of land in terms aforesaid and it is for the said respondent to take a decision on the same.

4.In view of the aforesaid, we are not inclined to entertain the prayer as made in the writ petition, but leave it to the first respondent to examine the case of the petitioners in the conspectus of what we have said aforesaid.

5.At this stage, learned counsel for the petitioners states that the land has already been sowed and the agricultural produce should not be permitted to go waste and they may be permitted to obtain produce even if the Government takes the produce for its own. To that limited extent, we are inclined to accept the prayer.

6.Writ petition is, accordingly, disposed of in terms aforesaid. No costs. Consequently, W.M.P.Nos.32604 and 32604 of 2016 stand closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The Secretary to Govt. of Tamil Nadu,
Revenue Department, Chennai-9.

2.The Commissioner,
Land Administration,
Chepauk, Chennai-9.

3.The District Collector,
Office of the District Collector,
Kancheepuram District.

4.The Tahsildar,
Madurandhagam Taluk,
Kancheepuram District.

+lcc to Mr.R. Subramanian, Advocate, S.R.No.62326

+lcc to the Government Pleader, S.R.No.62180

mv (CO)

md (11/11/2016)

W.P.No.37987 of 2016



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