

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.43300 of 2016

N.Ponsingh

... Petitioner

vs.

1. The Principal Secretary to Government,
Revenue Department,
Fort St. George,
Chennai 600 009.
2. The Principal Secretary and
The Commissioner of Land
Administration Department,
Ezhilagam, Chepauk, Chennai 600 005.
3. The District Collector,
Thiruvallur.
4. The District Revenue Officer,
Thiruvallur District, Thiruvallur.
5. The Revenue Divisional Officer,
Ambattur Division,
Ambattur, Chennai 600 101.
6. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai 600 053.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 1st and 2nd respondents to consider and pass orders on the proposal for granting lease to the petitioner sent by the 4th respondent in his proceedings in Na.Ka.No.42305/2002/AA1, dated 18.12.2014 pursuant to the communication of the 5th and 6th respondents dated 09.07.2013 made in Na.Ka.No.2896/2013/A5 and Na.Ka.No.5887/2012/C3, dated 10.03.2013 in respect of the land comprised in S.No.320/2B and 320/2C, measuring an extent of 7 1/2 cents of lands, situate at Padi Village, Ambattur Taluk, Thiruvallur District within a stipulated time.

For Petitioner : Mr.K.Sridhar
For Respondents : Mr.A.Kumar,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 1st and 2nd respondents to consider and pass orders on the proposal sent by the 4th respondent in his proceedings in Na.Ka.No.42305/2002/AA1, dated 18.12.2014 for granting lease to him, pursuant to the communication of the 5th and 6th respondents dated 09.07.2013 made in Na.Ka.No.2896/2013/A5 and Na.Ka.No.5887/2012/C3, dated 10.03.2013 in respect of the land comprised in S.No.320/2B and 320/2C, measuring an extent of 7 1/2 cents of lands, situate at Padi Village, Ambattur Taluk, Thiruvallur District within a stipulated time.

2. According to the petitioner, adjacent to his patta land in Survey Nos.1177/1A part and 1176/2A1A part, there is a land measuring an extent of 6.50 cents in Survey No.320/2B and 1.0 cents in Survey No.320/2C, totally 7.50 cents at Padi Village, Ambattur Taluk. The said 7.50 cents of land, which is between his patta land and MTH Road, is the only source for ingress and egress to his land. Since the petitioner is in continuous possession and enjoyment of his land, he sent a representation to the respondents for grant of lease hold rights of the land measuring an extent of totally 7.50 cents in Survey Nos.320/2B and 320/2C. In this regard, he once again sent representations dated 22.03.2012 and 23.07.2012 to the 6th respondent.

3. Pursuant thereto, the 6th respondent conducted field inspection and also collected sale data particulars in respect of the adjacent survey numbers of the said land from the year 2011 to 2012 and also by comparison with guideline value as well as the market value of the property in the said vicinity. After analyzing all the factors including the revenue to the Government, the 6th respondent forwarded a detailed report to the 5th respondent and recommended for grant of lease in favour of the petitioner vide proceedings dated 10.03.2013. The 5th respondent also inspected the land on 28.06.2013 and forwarded his report to the 4th respondent vide proceedings dated 09.07.2013, recommending grant of lease to the petitioner. On 22.11.2014, the 4th respondent sent a proposal to the 2nd respondent for grant of lease hold rights to the petitioner vide proceedings dated 18.12.2014 with necessary documents. The grievance of the petitioner is that the 2nd respondent has not passed any favourable orders on the proposal forwarded to him. Hence, he is before this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Considering the facts and circumstances of the case and without going into the merits of the case, the 1st and 2nd respondents herein are directed to consider the proposal for granting of lease hold rights to the petitioner in respect of the land in question, in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To:

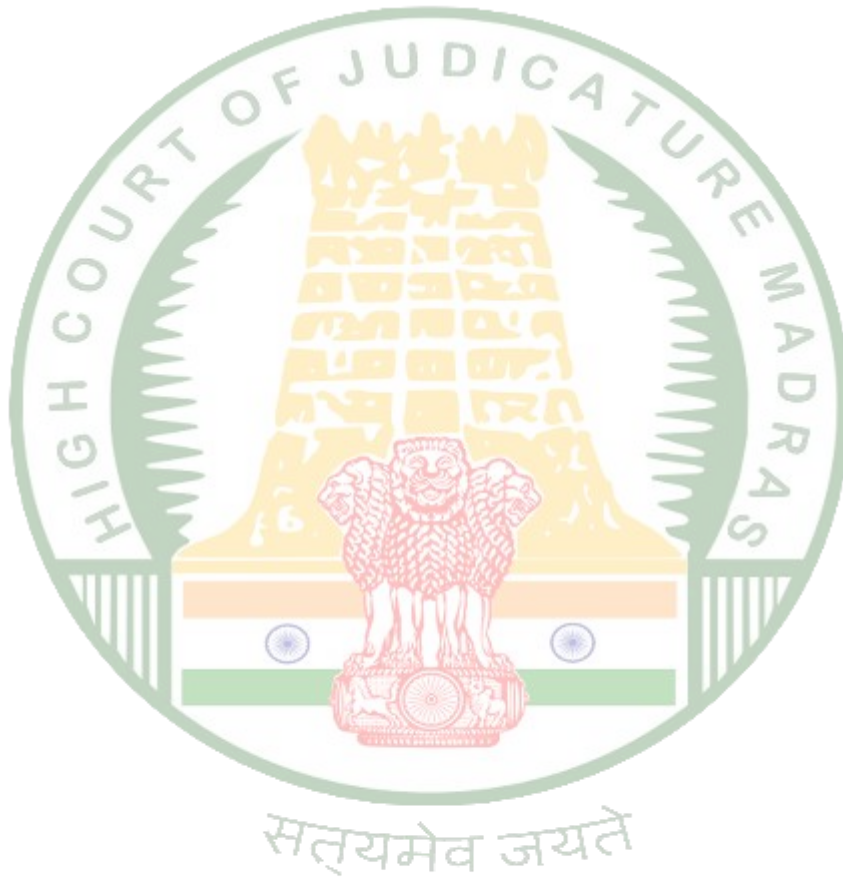
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1 cc to Government Pleader, SR.73658
1 cc to MR.K. Sridhar, Advocate, Sr. 73246

W.P.No.43300 of 2016

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