

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4930 of 2016

P.Gunasekaran

... Petitioner

Vs.

1.The District Collector
Vellore District,
Vellore.

2.The District Revenue Officer
Vellore, Vellore District.

3.The Revenue Divisional Officer
Vellore, Vellore District.

4.The Tahsildar
Palacode Taluk,
Vellore District.

5.R.Gnanaprakasam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents 1 to 4 to issue patta in respect of the land comprised in Survey No.204, measuring to an extent of 2 acres situate in S.No.204 of in Ponnai Village, Katpadi Taluk, Vellore District, pursuant to the representation of the petitioner dated 02.11.2015.

For Petitioner : M/s.N.Kamaraj

For respondents : Mr.M.Dig Vijay Pandian,
Additional Government Pleader
for R1 to R4

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the respondents 1 to 4 to issue patta in respect of the land

comprised in Survey No.204, measuring to an extent of 2 acres situate in S.No.204 of Ponnai Village, Katpadi Taluk, Vellore District, pursuant to the representation of the petitioner dated 02.11.2015.

3.The petitioner submits that he is an Ex-Army personnel and retired from the post of Army Sub-Maj/Hony-Capt, in the year 2011. After superannuation, serving the country for a long period, he settled in his native place and carrying on agricultural activities in his S.No.203, Ponnai Village and eking out his livelihood. The petitioner's father Perumal Naidu cultivated the lands measuring an extent of 2 acres in S.No.204 of Ponnai Village from the year 1980, which belongs to the Government. Thereafter, the father Perumal Naidu purchased adjacent agricultural land in S.No.203 measuring an extent of 47 cents from one Chinnaponnigan in the year 1982 and cultivating both the lands and maintains the family out of the agricultural proceeds. Whenever, the petitioner visits the native place he also involved in the agricultural activities along with his father. The petitioner's father due to his old age settled the entire lands in favour of petitioner vide sale deed dated 19.06.1998 in Document No.832 of 1998 on the file of Sub Registrar, Solingapuram. The petitioner was in possession and enjoyment of the property and carrying on agricultural operations. During 1997 itself, the petitioner approached the respondents to obtain patta in S.No.204 of Ponnai Village. After persistent and repeated approaches before the revenue officials, the request of the petitioner was considered by the first respondent and a notification dated 29.01.2009 was passed in his O.M.H1/02859/2009 directing the fourth respondent/Tahsildar immediately to look into the petitioner's application for allotment of land under the quota of Retired Army personnel.

4.Even thereafter, nothing was done by the respondents on the notification issued by the Collector as stated above. The petitioner approached the first respondent repeatedly and other official respondent for transfer of the said lands in his favour. Further on the representation made by the petitioner, the first respondent herein forwarded a letter in O.Mu.H1/50974 dated 01.02.2011 to the Junior Engineer (Electricity) TNEB, Gandhi Nagar, Vellore for Electricity Service Connection for the lands under occupation by the petitioner.

5.The petitioner further submits that he is continuously approaching the Revenue Officials for assignment of lands under the Retired Army Personal Quota. The 5th respondent herein who is an habitual encroacher of the Government Lands as well as the Private lands for his personal gains with a malafide intention entered into the lands of the petitioner and tried to encroach the property comprised in S.No.203 and

204. Further, the 5th respondent already encroached the Government lands measuring 5 cents in S.No.204 of Ponnai Village which is in possession of the petitioner and constructed pucca building and also encroached over the public road and constructed pucca building for his own, which is adjacent to the compound wall of the Government Girls Higher Secondary School.

6.The petitioner made a representation dated 02.11.2015 to all the respondents individually in a detailed manner requesting for issuance of patta in respect of the lands in S.No.204 Ponnai Village, Katpadi Taluk, Vellore District. Despite several representations the authorities has not taken any action, hence, the petitioner approached this Court by way of present writ petition.

7.Heard the submissions of learned counsel appearing for the petitioner and the learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4.

8.This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to consider the representation of the petitioner dated 02.11.2015 on merits and in accordance with law, within a period of eight weeks, after affording opportunity of personal hearing to the petitioner as well as to the fifth respondent. It is made clear that this Court has not expressed any opinion on merits of the claim of the petitioner. It is for the first respondent to decide the issue purely on merits.

9.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector
Vellore District,
Vellore.

2.The District Revenue Officer
Vellore,
Vellore District.

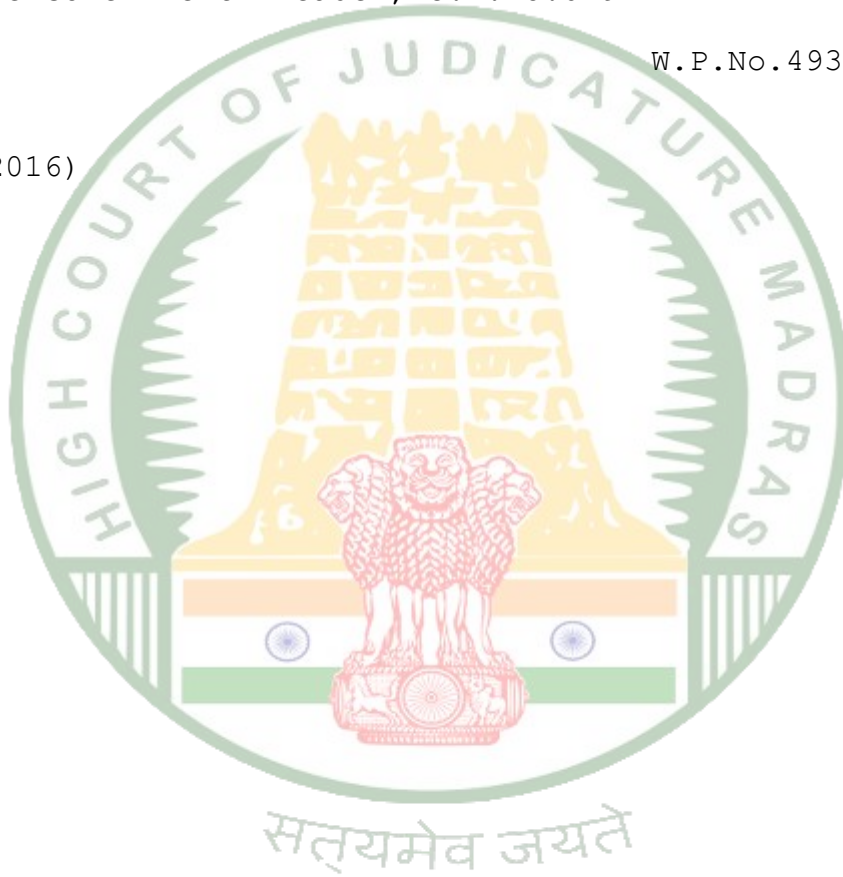
3.The Revenue Divisional Officer
Vellore,
Vellore District.

4.The Tahsildar
Palacode Taluk,
Vellore District.

+1cc to Mr.N.Kamaraj, Advocate, S.R.No.8643
+1cc to the Government Pleader, S.R.No.8797

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