

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6110 of 2016
&
W.M.P.No.5445 of 2016

P.Krishnan

.. Petitioner

Vs.

The Tahsildar,
Guindy Taluk,
Chennai District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to issue the patta in favour of the petitioner, based on the petitioner's representation, dated 08.02.2016.

For Petitioner : Mr.M.Rajendiran

For Respondent : Mr.P.Sanjay Gandhi, Addl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondent to issue the patta in favour of the petitioner, based on the petitioner's representation, dated 08.02.2016.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he was working as Driver in the Highways Department and retired from service and living with his son and wife in Saidapet, Chennai. The petitioner and some of the employees, who served in lower cadre posts, made a representation to the Highways Department to allot a space for their residence by considering the poverty and long standing service in the Highways Department. The Divisional Engineer considered their grievance and instructed the petitioner and others to put up hut in the nearby Maraimalai Bridge, which is under the control of the Highways Department and accordingly,

they are living in the hut in the said area for more than 45 years. The respondent, considering the family economical situation, issued the assignment order on 05.08.1968 to the persons who were working in lower cadre employees in the Highways Department. Likewise, the petitioner got 200 Sq.Ft. in Survey Nos.1 and 561 Sq.Ft. in Survey No.3/3 and put up construction and living with family for more than 45 years. The petitioner remitted property tax, water tax and electricity charges till date. The petitioner also remitted Fasli FCR 1378 for the land occupied by him.

3. It is further stated by the petitioner that the respondent issued notice to remit the tax through the Revenue Inspector. The petitioner and others made representation to the respondent to reduce the amount, for which, the Divisional Engineer sent a proposal to the Tahsildar on 28.10.1968 stating that the assigness belong to poor family and working in the lower cadre. The Divisional Engineer also mentioned in the proposal that the amount mentioned in the demand notice is high and the petitioner and others are facing difficulties to remit the amount. It is further stated that in the proposal that since the land belongs to the Highways Department and the residence of the petitioner and others are situated in the nearby office and yard owned by the Highways Department, it is convenient to utilise their service for their employment to watch the yard and hence, the employees were in a position to look after both work and hence, the demand may be exempted and the assignment be confirmed, which was considered by the authorities of the District Collectorate. It is the grievance of the petitioner that their residence has neither been classified as Government Poramboke area nor water course and the area is purely owned by the Highways Department. Inspite of several representations to the respondent to issue patta, the same has not been considered. It is further stated by the petitioner that the Government has passed order, vide G.O.Ms.No.43, to issue patta to persons who are residing for more than three years in Government Poramboke land. The petitioner and others have been residing there for more than 45 years in the land belonging to the Highways Department, which is assigned by the Revenue Department on the recommendation of the Divisional Engineer. The petitioner made a representation, dated 08.02.2016 to the respondent to issue patta. Since the said representation is pending, the petitioner has filed the above Writ Petition for the above relief.

4. Heard both sides.

5. Considering the limited scope of the prayer made in the

Writ Petition, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the respondent to consider the said representation, dated 08.02.2016 of the petitioner and after giving an opportunity of personal hearing to the petitioner and necessary parties, dispose of the said representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs. W.M.P.No.5445 of 2016 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cs
Copy to

The Tahsildar,
Guindy Taluk,
Chennai District.

+1cc to M/s. M. Rajendran, Advocate, S.R.No.11667

+1cc to the Government Pleader, S.R.No.11808

MP(CO)
EU(09/03/2016)

W.P.No.6110 of 2016

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