

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.6206 of 2016

and

WMP.No.5541 of 2016

K.Munusamy Reddy .. Petitioner

Vs.

1.The District Collector,
Thiruvallur District.

2.The Tahsildar, Thiruvallur Taluk,
Thiruvallur District.

3.The Village Administrative Officer
Komkkam Pedu - Village, Thiruvallur Taluk,
Thiruvallur District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents to reclassify lands measuring 3 acres in Survey No.199/1 in Komakkam Pedu Village, Thiruvallur Taluk, Thiruvallur District which is being cultivated by the petitioner from Meikkal into punja lands and grant cultivation patta for the same in the name of the petitioner by taking into consideration of petitioner's representation dated 11.02.2016 & G.O.Ms.No.241 dated 12.09.2006 (Agriculture (W.D.1) Department) Government of Tamil Nadu.

For Petitioner : M/s.K.Lavan

For Respondents: M/s.V.Jayaprakash Narayanan,
Spl.GP.

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 to reclassify lands measuring 3 acres in

S.No.199/1 in Komakkam Pedu Village, Thiruvallur Taluk, Thiruvallur District which is being cultivated by the petitioner from Meikkal into punja lands and grant cultivation patta for the same in the name of the petitioner by taking into consideration of petitioner's representation dated 11.02.2016 & G.O.Ms.No.241 dated 12.09.2006 (Agriculture (W.D.1) Department) Government of Tamil Nadu.

3.The petitioner's father late Kuppa Reddy during 1932, purchased punja lands measuring 3acre 35cents in Resurvey No.200/5 from Parthasarathy Naidu, Venkataswamy Naidu, Venkattappa Naidu, Raghavalu Naidu, Sanjeevi Naidu and Subba Naidu for valuable consideration. The said original owners executed "Rokka Patta" in favour of the petitioner's father and he was in possession and enjoyment of the said lands. During resurvey without giving any notice and without personally hearing the respondents wrongly classified the above said punja lands into resurvey No.200/5 as Meikkal and included the same in S.No.199/1. The petitioner's father died on 13.09.1993, leaving behind the petitioner and other brothers as legal heirs.

4.The family arrangement held in the year 1966, between the petitioner and his brothers, the punja land measuring 3 acre 35cents in Resurvey No.200/5 New S.No.119/1 Komakkam Pedu Village was allotted to the petitioner. Out of 3.35acres the respondent had issued patta only for 35cents and failed to issue patta for the remaining 3acres.

5.The petitioner's father was in possession and enjoyment of the said land, by paying "B" memo charges to the respondents from the year 1967 till his death in the year 1993. After the death of his father the petitioner was in possession, enjoyment and cultivating paddy for more than 22 years in the said land, by paying "B" memo charges to the respondents.

6.In the meanwhile, on 07.02.2012, the third respondent came to the land and asked the petitioner not to cultivate the land. The petitioner issued legal notice on 27.02.2012, the respondents received the same and did not sent any reply. Subsequently, on 11.02.2016 the petitioner made a representation to the respondents seeking patta in his favour, in the light of the GO.(Ms.).No.241 dated 12.09.2006 (Agriculture (W.D.1) Department) in which it has been stated that the Poramboke wasteland of the Government will be developed into cultivable land and distributed to the poor landless farmers, but till date the respondents has not taken any action. Hence, the petitioner filed the present writ petition.

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

8.Considering the facts and circumstances and without going into the merits of the same, this Court directs the first respondent to consider the representation of the petitioner's dated 11.02.2016, on merits and in accordance with law, within a period of twelve weeks, from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is further directed, the respondents to maintain status-quo as on date, till the disposal of the petitioner's representation dated 11.02.2016.

9.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.
tsh

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector, Thiruvallur District.

2.The Tahsildar, Thiruvallur Taluk,
Thiruvallur District.

3.The Village Administrative Officer,
Komkkam Pedu - Village, Thiruvallur Taluk,
Thiruvallur District.

+ 1 CC TO M/s.K.LAVAN, ADVOCATE SR 10812

+ 1 CC TO THE GOVERNMENT PLEADER, SR 10776

KR/8/3/16

W.P.No.6206 of 2016

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