

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6899 of 2016

H.Sasikala

... Petitioner

Vs.

1.The District Collector
Kancheepuram District
Kancheepuram.

2.The Tahsildar
Tambaram Taluk,
Tambaram
Kancheepuram District.

3.The Director of Ex-servicemen welfare
No.22, Raja Muthiah Salai,
Chennai-3.

4.The Assistant Director of Ex.Servicemen
Kancheepuram at Tambaram
Chennai-45.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 and 2 to issue patta in respect of 3.36 acres of Dry land in S.No.388/1, which was assigned in favour of the petitioner's father vide Pro.D.O.No.15/79/B2 dated 13.09.1970 of the Tahsildar, Saidapet and issued "D" form patta at Perungalathur Village, Tambaram Taluk, Kancheepuram District in the names of (1)Thiru.V.Chandran (son), (2)Tmt.Thara (Daughter), (3)Tmt.Hemavathi (Daughter), (4)Tmt.Maragatham (daughter) (5)Tmt.Santhi (Daughter), (6)Tmt.Thilagam(Daughter), (7)Tmt.Sasikala(Daughter) myself, the legal heirs of G.Venkatasamy Naidu who expired on 24.07.1980, by considering representation dated 17.12.2013 and 18.03.2015.

For Petitioner
For respondents

: Mr.K.Govindaraj
: Mr.P.Sanjay Gandhi, AGP.

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 forward with the present Writ Petition seeking for issuance of Mandamus to direct the respondents 1 and 2 to issue patta in respect of 3.36acres of Dry land in S.No.388/1, which was assigned in favour of the petitioner's father vide Pro.D.O.No.15/79/B2 dated 13.09.1970 of the Tahsildar, Saidapet and issued "D" form patta at Perungalathur Village, Tambaram Taluk, Kancheepuram District in the names of (1)Thiru.V.Chandran (son), (2)Tmt.Thara (Daughter), (3)Tmt.Hemavathi (Daughter), (4)Tmt.Maragatham (daughter) (5)Tmt.Santhi (Daughter), (6)Tmt.Thilagam(Daughter), (7)Tmt.Sasikala(Daughter) myself, the legal heirs of G.Venkatasamy Naidu who expired on 24.07.1980, by considering representation dated 17.12.2013 and 18.03.2015.

3.The petitioner states that the Government of Tamil Nadu passed an GO.Press No.1750, Revenue Department dated 13.05.1963, granting certain concession in the matter of assignment of lands for agricultural purposes to Jawans in the active service of Army and Ex-Servicemen. The Government directed who do not posses any lands, assigned the maximum extent of land below 5 acres of dry 2½ acres of wet land. The Government further directed the lands be assigned only on production of a certificate from the head of the Department concerned or the Indian Soldiers Board, the order of priority recommended by the Board of Revenue be adopted for the purpose of assignment of land for cultivation purposes.

4.The petitioner's father G.Venkatasamy Naidu was serving in the Army, as per the above GO, the petitioner's father was granted assignment of 3.36acres of land in S.No.388/1, Perungalathur Village, Tambaram Taluk classified as Dry Assessed waste land vide Pro.D.No.15/79/B2 dated 13.09.1970 of the Tahsildar, Saidapet. The petitioner's fathers was directed to remit the Sub Division fee and stone value and on such payment "D" form patta will be issued, the petitioner's father accordingly remitted those amounts, the Tahsildar, Saidapet issued "D" Form Patta in favour of petitioner's father on 21.01.1971. The petitioner's father had been in possession and enjoyment of assigned land by cultivating the same.

5.The petitioner's father died intestate on 24.07.1970, leaving behind his wife, son and six daughters as his legal heirs. After the death of Venkatasamy Naidu, the said legal heirs are in possession and enjoyment of the above property.

6.The legal heirs were making repeated representations to the respondents 1 and 2 for grant of Patta in their names. The mother of the petitioner made representation dated 17.12.2013 to the Director of Ex-Servicemen Welfare, Chennai-3, the same has

been forwarded to the Assistant Director, Ex-Servicemen Welfare, Kancheepuram at Tambaram, Chennai-45 in Letter No.871/Ex.Sm/2014-1 dated 09.01.2014 and the same has been forwarded to the Tahsildar, Tambaram in Letter No.Na.Ka.No.544/201/A4 dated 19.02.2014. Again the petitioner herein has made a representation to the respondents 1 and 2 on 18.03.2015 for issuance of patta. But till date, the respondents has not taken any steps, hence, the petitioner filed the 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.

8.Considering the facts and circumstances, this Court directs the petitioner to submit copy of the representations dated 17.12.2013 and 18.03.2015, along with the copy of this order to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to pass appropriate orders on merits and in accordance with law, within a period of twelve weeks, thereon, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear, that this Court has not expressed any opinion on merits of the claim of the petitioner.

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

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

1.The District Collector
Kancheepuram District
Kancheepuram.

2.The Tahsildar
Tambaram Taluk,
Tambaram
Kancheepuram District.

3.The Director of Ex-servicemen welfare
No.22, Raja Muthiah Salai,
Chennai-3.

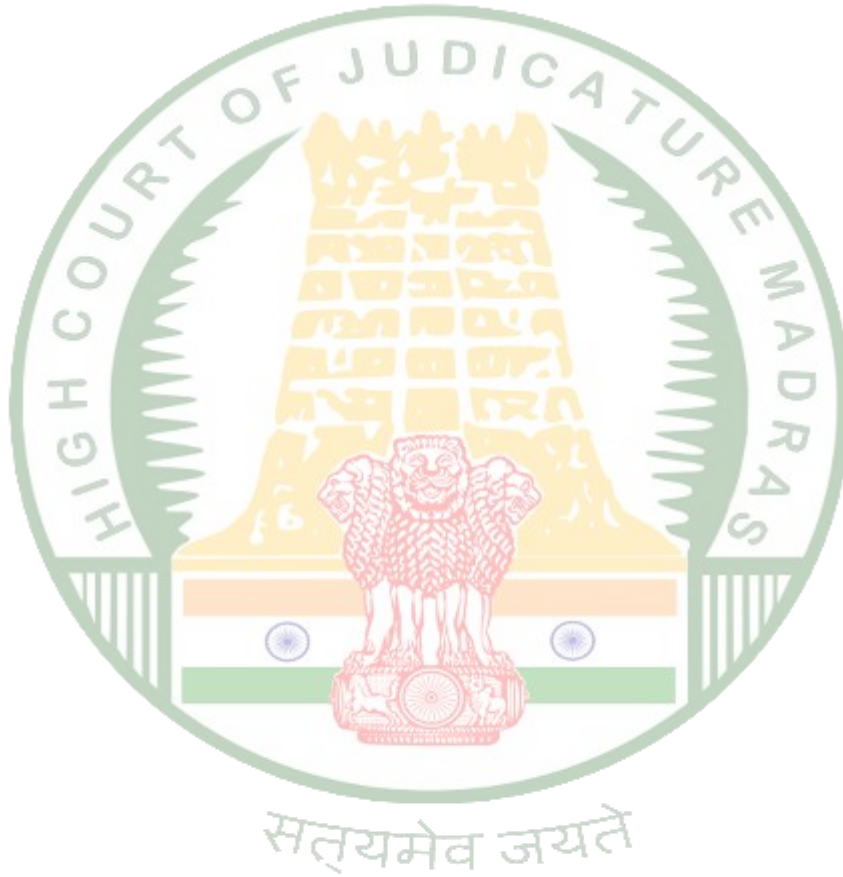
4.The Assistant Director of Ex.Servicemen
Kancheepuram at Tambaram
Chennai-45.

+ 1 cc to Mr.K.Govindaraj,Advocate, SR12187

+ 1 cc to Government Pleader, High Court, Madras SR 11814

tej(co)
prk1/3

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