

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No. 6024/2017 & WMP No. 6449/2017

1.S.P.Santha Lingam

2.S.P.Rutharan

3.S.P.Nagarajan

4.S.P.Balasundaram

5.S.P.Arumugam

6.S.P.Shanmugam

7.S.P.Kalyanasundaram

8.S.P.Elangovan

... Petitioners

Vs.

1. The District Collector,
Tiruvallur.

2. District Revenue Officer,
Tiruvallur.

3. The Tahsildar,
Ponnamallee.

...Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to consider the representation dated 16.12.2016 and issue patta in favour of the petitioners in respect of land measuring an extent of 3.80 acres comprised Survey No. 73/1, Goparasanallur Village, Poonamalle Taluk, Thiruvallur District.

For Petitioners	:	Ms.Suganyadevi Duraichamy
For Respondents	:	Mr.A.N.Thambidurai, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The deponent of the affidavit claims to be the General Power of Attorney Agent by virtue of the registered Power of Attorney bearing Doc.No.415/2006 registered on the file of the office of the District Registrar, Madras South and he would aver that the landed property admeasuring to an extent of 3 acres and 80 cents situate at Goparasanallur Village, Poonamallee Taluk, Tiruvallur District, was

assigned by the District Revenue Officer, Chengalpattu, to one Manickam, vide proceedings dated 22.10.1963 and possession was also delivered. Later on, the Board of Revenue, vide its proceedings dated 12.04.1965, in BP.Ms.No.647[B] had set aside the assignment order passed by the District Revenue Officer, Chengalpattu and aggrieved by the same, the assignee, viz., Manickam, filed an appeal before the Government, who vide G.O.Ms.No.2282 dated 03.08.1965, has set aside the order and confirmed the order of assignment of the land in favour of Manickam and the said land was under personal cultivation and enjoyment of the said person.

3 The deponent of the affidavit would further aver that Manickam sold the above said extent of lands vide registered Sale Deed dated 10.12.1971, in favour of M.R.Venkataraman [Doc.No.2979/1971 – Sub Registrar Office, Poonamallee] and he in turn sold the said property in favour of M/s.Elango Brick Works, vide registered Sale Deed bearing Doc.No.3137/1974 dated 13.12.1974, registered on the file of the Sub

Registrar, Poonamallee. The earth in the land was used for making bricks and the said land was also assessed to Urban Land Tax and was remitted periodically by the then owners.

4 The petitioners claim to be the present owners of the said land and would aver that the revenue records such as chitta, adangal register, continue to show the name of the original owner, viz., Mr.Manickam and since the petitioners are the owners, they approached the authority concerned for changing the classification and the 3rd respondent, vide proposal dated 30.01.2008 in Na.Ka.No.4731/08/2, addressed to the 2nd respondent, made a positive recommendation to change the name by including the names of the petitioners in respect of the land admeasuring to an extent of 3.80 acres in S.No.83-1, Goparasanallur Village, Poonamallee Taluk, under Updating Registry Scheme and the cancellation of classification as "Anaadeenam lands". The grievance expressed by the petitioners is that though such a positive

recommendation was made as early as on 30.01.2008, so far, the 2nd respondent have not taken any action and in this regard, the petitioners have also submitted periodical reminders and last of such representation was made on 16.12.2016 and despite receipt and acknowledgment, so far no steps have been taken to include the names of the petitioners and also change the classification of the lands and prays for appropriate orders.

5 Heard the learned counsel for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents.

6 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, permits the petitioners to submit one more representation to the 2nd respondent along with a copy of the recommendation made by the 3rd respondent dated 30.01.2008 in Na.Ka.No.4731/08/ய2, within a period of two weeks from

the date of receipt of a copy of this order and the 2nd respondent, upon receipt of the same, shall put the concerned person/s on notice, if any, and thereafter, consider and dispose of the said representation on merits and in accordance with law within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the person/s concerned.

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

14.03.2017

Speaking Order

Index : No

Internet : Yes

AP

To

1. The District Collector,
Tiruvallur.
2. District Revenue Officer,
Tiruvallur.
3. The Tahsildar,
Ponnamallee.

M.SATHYANARAYANAN, J.,

AP

WP.No.6024/2017

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