

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.17997 of 2017 and WMP.No.19559 of 2017

1.Annadurai  
2.Janarthanan  
3.Thangarasu

.. Petitioners

Versus

1.The District Collector,  
Cuddalore District, Cuddalore.  
2.The Tahsildar,  
Tittagudi Taluk, Tittagudi,  
Cuddalore District.  
3.The Block Development Officer,  
Mangalur Panchayat Union,  
Mangalur, Tittagudi Taluk,  
Cuddalore District.

.. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus forbearing the respondents from preventing the petitioners from cultivating the agricultural crops in the land situated in S.No.77, Kodankudi Village, Tittagudi Taluk, Cuddalore District.

For Petitioners :Mr.C.Prakasam

For Respondents :Mr.A.N.Thambidurai, Spl.GP

### ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

By consent, the writ petition is taken up for final disposal.

2 The claim of the petitioners is that they and their ancestors are cultivating the lands in S.No.77 of Kodankudi Village, Tittagudi Taluk, Cuddalore District, for very many decades and even in the years 1954-1957, a fair decision has been taken by the concerned authorities to assign the land in favour of the persons who are qualified to the said lands and in total contravention of the said decision, the respondents started making claim as if the land in S.No.77 is a water body and that the petitioners are not entitled for Patta for the reason that there are not in possession of the same and hence, came forward to file this writ petition.

3 Mr.C.Prakasam, learned counsel appearing for the petitioners would vehemently contend that despite the production of overwhelming and ancient documents to prove their claim and in spite of the decision

being taken to assign the land in favour of the cultivators, the respondents are making false claim as if S.No.77 is a water body and they have also not complied with the order dated 05.12.2016 made in W.P.No.42558 of 2016 as well as order dated 22.03.2017 in W.P.No.6888 of 2017 and prays for appropriate orders.

4 Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3 has drawn the attention of this Court to the counter affidavit of the 2<sup>nd</sup> respondent dated 07.08.2017 and would submit that the entire extent of the land in S.No.77 is classified as water body (Lake). In this Survey number nobody was assigned any piece of land by the Government at any point of time and there are no records to show that the petitioners are in possession of the same and carrying on agricultural activities and therefore, the request made by the petitioners in grant of patta for assignment of land cannot be considered and prays for dismissal of this writ petition.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 This Court vide order dated 22.03.2017 made in W.P.No.6888 of 2017 has directed the concerned authorities to take a decision on the grievance expressed by the petitioners herein in accordance with law after affording an opportunity to all the parties concerned within a period of two months from the date of receipt of that order and till then, no coercive steps shall be taken against the petitioners.

7 The learned counsel appearing for the petitioners would submit that despite the stand taken by the 2<sup>nd</sup> respondent in counter affidavit, the petitioners have not been communicated with any order and prays for appropriate direction, directing the 2<sup>nd</sup> respondent to communicate the decision taken, so as to enable the petitioners to make a challenge in accordance with law before the competent forum.

8 In the light of the order dated 22.03.2017 in W.P.No.6888 of 2017 coupled with the stand taken by the 2<sup>nd</sup> respondent in the counter affidavit, the 2<sup>nd</sup> respondent is directed to communicate the decision containing reasons for rejection of the request made by the petitioners within the period of two weeks from the date of receipt of a copy of this

order and on receipt of the same, the petitioners are at liberty to work out their remedy in accordance with law before the competent forum.

9 In the result, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

[M.S.N.,J] [N.S.S., J]  
07.082017

Index : No  
Internet : Yes  
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To

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Cuddalore District, Cuddalore.

2.The Tahsildar,  
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Cuddalore District.

3.The Block Development Officer,  
Mangalur Panchayat Union,  
Mangalur, Tittagudi Taluk,  
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N.SESHASAYEE.,J,

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