

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.28320 of 2017

Traffic Dr.K.R.Ramaswamy ... Petitioner

vs.

- 1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai - 600 009.
- 2.The Secretary,
Municipal Administration Department,
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai - 600 009.
- 3.The Secretary,
Public Works Department,
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai - 600 009.
- 4.The Collector,
Thiruvallur District,
Thiruvallur - 602 001.
- 5.The Revenue Divisional Officer,
Thiruvallur Division,
Thiruvallur.
- 6.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1,2,3,4,5 & 6 to consider the representation dated 07.11.2016 sent by the Balaji Nagar Prabhu and to cancel the pattas issued for Government lands forthwith, and also to remove the encroachments immediately in Kakkalur Village/Thiruvallur.

For Petitioner : Dr.V.Purushothaman

For Respondents : Mr.T.N.Rajagopalan
Government Pleader (i/c)

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed on the allegation that the Tahsildar, Tiruvallur had erroneously and illegally issued pattas for the Government lands in Balaji Nagar in Kakkalur village, Tiruvallur Taluk in favour of one Mr.Jayavelu, son of a promoter and to some others.

2. According to the petitioner, Balaji Nagar Plot Owners Association, represented by one Mr.Prabhu, made representations to the Collector on 07.11.2016 drawing his attention to the issuance of illegal pattas.

3. It is further alleged in paragraph 7 of the affidavit in support of the writ petition that the Revenue Divisional Officer, Tiruvallur called for an enquiry on 01.12.2016, which was attended inter alia by Mr.Prabhu along with Dr. V.Purushothaman, Advocate. The writ petition has been filed on the allegation that no action has been taken in ten months, either for cancellation of pattas or for removal of encroachments.

4. Learned Government Pleader (in-charge) has handed over in Court an order of the Revenue Divisional Officer, Tiruvallur being order Na.Ka.2293/2017/A5, dated 02.11.2017, cancelling the pattas in respect of old Survey No.40/1A1A, 110/8. 110/9 & 110/10 in favour of Mr.Jayavelu, son of Seenivasa Chetty. The details of cancelled patta lands and its extent, are as follows:

(3)

Old S.No.	Present Sub Division New No.	Extent	Patta No. & Name of patta holder
40/1A1A	40/1A45	0.02.5	12115 Jayavelu S/o.Seenivasa Chetty
40/1A1A	40/1A46	0.06.7	12116 Jayavelu S/o.Seenivasa Chetty
40/1A1A	40/1A47	0.06.7	12117 Jayavelu S/o.Seenivasa Chetty
40/1A1A	40/1A48	0.00.8	12118 Jayavelu S/o.Seenivasa Chetty
110/8	110/8	0.01.0	143 Jayavelu S/o.Seenivasa Chetty
110/9	110/9	0.01.0	143 Jayavelu S/o.Seenivasa Chetty
110/10	110/10	0.01.0	143 Jayavelu S/o.Seenivasa Chetty

5. The pattas having been cancelled, the lands re-vest in Ikkadu Panchayat Union. The Revenue Divisional Officer has directed the Commissioner, Ekkadu Panchayat Union to remove encroachments, take cancelled patta lands in his control and safeguard them. In case of any objections to the order, an appeal is permitted within thirty days of the receipt of the order to the District Revenue Officer, Tiruvallur.

6. The pattas in question having been cancelled and directions having been given to the Commissioner, Ekkadu Panchayat Union to remove encroachments and to take cancelled patta lands under his control and safeguard them, the writ

(4)

petition is infructuous. It is, however, expected that the Commissioner, Ekkadu Panchayat Union, will comply with the order of the Revenue Divisional Officer, Tiruvallur and take steps to remove encroachments immediately after the expiry of the time to file an appeal and/or if any, appeal is filed within the time, the appeal shall positively be disposed of within one month from the date on which the appeal is filed. The respondent authorities shall also forthwith initiate action to cancel pattas, if any, issued illegally in favour of other persons.

7. The writ petition, accordingly, stands disposed of. No costs.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

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To:

- 1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai - 600 009.
- 2.The Secretary,
Municipal Administration Department,
Government of Tamil Nadu,
Secretariat, St. George Fort,
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- 3.The Secretary,
Public Works Department,
Government of Tamil Nadu,
Secretariat, St. George Fort,
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- 4.The Collector,
Thiruvallur District,
Thiruvallur - 602 001.
- 5.The Revenue Divisional Officer,
Thiruvallur Division,
Thiruvallur.

(5)

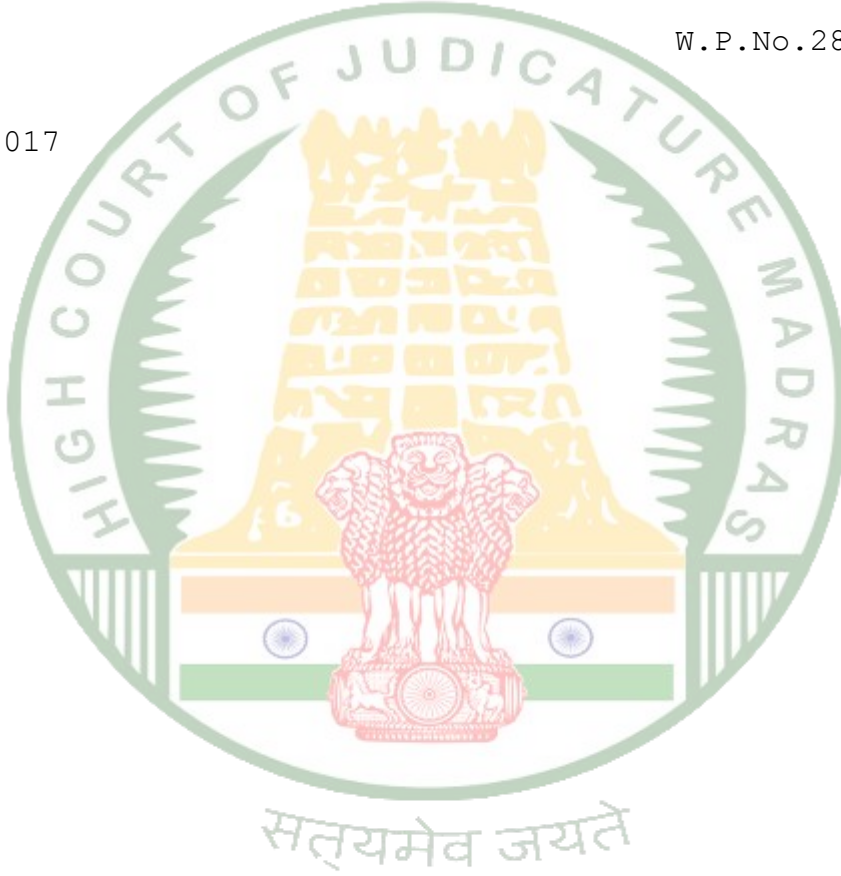
6.The Tahsildar, Thiruvallur Taluk,
Thiruvallur.

+2 cc to MR.D.V.PURUSHOTHAMAN Advocate SR.NO. 79716

+1 cc to Government Advocate SR.NO. 80327

W.P.No.28320 of 2017

RD 27/11/2017



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