

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.No.38815 of 2004 &
W.P.M.P.No.46377 of 2004

Annamalai

... Petitioner

-vs-

1.The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2.The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

3.The Tahsildar,
Chengam Taluk,
Chengam.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the Proceedings Na.Ka.(A1)4147, dated 17.06.2004 of the RDO, Thiruvannamalai District, the second respondent herein and quash the same and further direct the Tahsildar, the third respondent herein to issue patta to the petitioner in S.No.170 of Mottur Village, Chengam Taluk, Kallathur Panchayat, Thiruvannamalai District, as prayed for in his representation dated 25.10.2004.

For Petitioner : No appearance

For Respondents: Mr.M.Elumalai
Government Advocate

O R D E R

The petitioner has filed this Writ Petition for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the Proceedings Na.Ka.(A1)4147, dated 17.06.2004 of the RDO, Thiruvannamalai District, the second respondent herein and quash the same and further direct the Tahsildar, the third respondent herein to issue patta to the petitioner in S.No.170

of Mottur Village, Chengam Taluk, Kallathur Panchayat, Thiruvannamalai District, as prayed for in his representation dated 25.10.2004.

2. There is no representation for the petitioner. Heard Mr.M.Elumalai, learned Government Advocate appearing for the respondents.

3. The petitioner claiming to be the owner of the property admeasuring to an extent of 10 acres and was in enjoyment for long back. All of sudden, the respondents re-classified un-assessed waste land to Natham Poramboke, against the principles of natural justice, without giving an opportunity and notice to the petitioner. Objecting the re-classification, the petitioner made a representation dated 25.10.2004. In the meanwhile, the petitioner also filed a Writ Petition before this Court in W.P.No.14554 of 2004 for issuance of patta to the petitioner for the said 10 acres of land under his possession and cultivation in Survey Nos.169 and 170 of Mottur Village, Chengam Taluik, Thiruvannamalai District. This Court disposed of the said writ petition on 03.09.2004, permitting the petitioner to submit a representation and thereafter, the third respondent to pass orders on merits and in accordance with law within a period of 12 weeks.

4. The learned Government Advocate filed a counter affidavit. On a perusal of the counter affidavit, it is seen that the Revenue Divisional Officer after obtaining consent from the Village Panchayat and after following the procedure contemplated under the Board Standing Orders re-classified the land from un-assessed waste land to Natham poramboke land in order to grant patta and the same has been published in the Thiruvannamalai District Gazettee on 09.03.1999. The said re-classification was issued by the District Collector for the purpose of rehabilitation to the affected families by the land acquisition in respect of Kuppanatham Reservoir Scheme.

5. The Government have powers to order re-classification after following due procedure of law and there is no need to send a notice to a person who do not have any title or patta and it is relevant to mention that the petitioner, without challenging the Gazette Notification which was published on 03.09.1999, cannot challenge the consequential order dated 17.06.2004.

6. In view of the same, I am not inclined to interfere with the order dated 17.06.2004 passed by the second respondent / Revenue Divisional Officer, Thiruvannamalai. Accordingly, the Writ Petition fails and the same is dismissed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

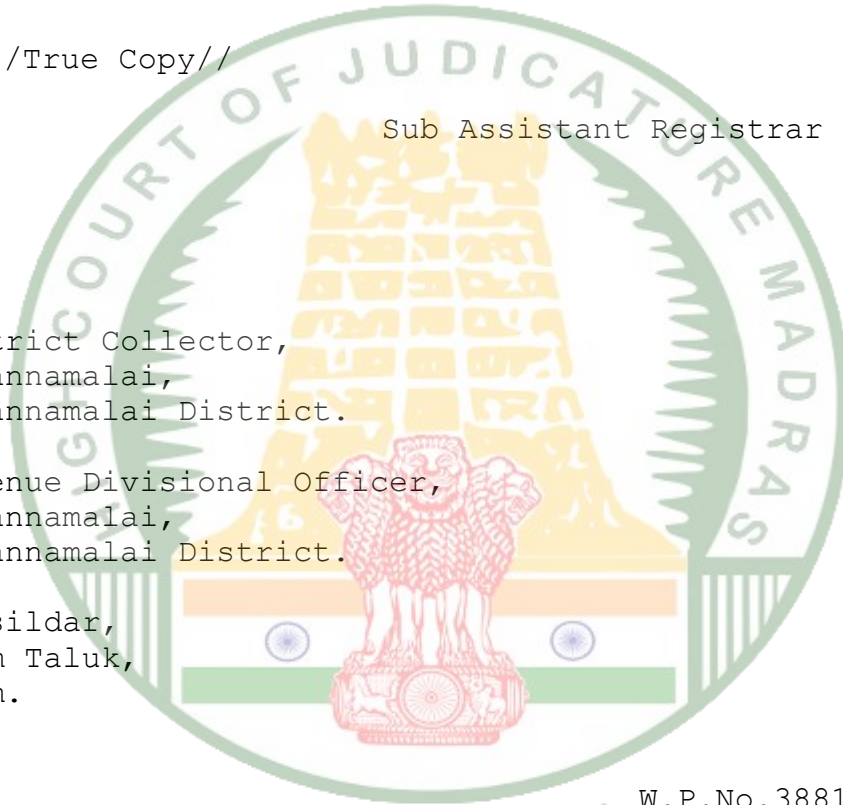
Sd/-
Assistant Registrar(J)

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Sub Assistant Registrar

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To

- 1.The District Collector,
Thiruvannamalai,
Thiruvannamalai District.
- 2.The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.
- 3.The Tahsildar,
Chengam Taluk,
Chengam.



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ss(21/9/2017)

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