

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 21.09.2017****CORAM**

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM**W.P. (MD) No.12805 of 2017**

S.I.Basheer Ahamed

: Petitioner

-vs-

1. The Principal Secretary/Commissioner of
Survey and Settlement,
Survey House,
Chepauk,
Chennai-600 005.

2. The District Survey & Settlement,
Survey House,
Chepauk,
Chennai-600 005.

3. The Assistant Settlement Officer (North),
Survey House,
Chepauk,
Chennai-600 005.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order, dated 26.05.2017 in Rc.E2.6798/2014 passed by the 1st respondent and quash the same as illegal and consequentially direct the 2nd respondent to issue patta for land covered in S.No.2/1 situated at Kottapattu Village (Formerly Sengulam).

For Petitioner :Mr.K.Doraisamy
Senior counsel
for Mr.Chamundi Bose

For Respondents :Mr.C.Selvaraj
Special Government Pleader

O R D E R

Challenge in this writ petition is to the order of the first respondent, dated 26.05.2017 and for a direction to issue patta in respect of the land in Survey No.2/1 situated at Kottapattu Village.



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

3.I have heard Mr.K.Doraisamy, learned Senior counsel for the petitioner and Mr.C.Selvaraj, learned Special Government Pleader for the respondents and perused the materials available on record.

4.The impugned order came to be passed pursuant to the direction given by this court in W.P(MD)No.7357 of 2012, dated 12.11.2013. In the earlier writ petition, this court has held as follows:-

"11.Be that as it may, when the petitioner being the owner of the land covered in S.No.2/1, patta should have been issued in respect of the said lands after considering all the documents produced before the Assistant Settlement Officer, but, the impugned order does not reflect the consideration of any of the important documents produced by the petitioner and also does not reflect the application of mind in respect of the stand taken by the respondent in the counter affidavit, filed in W.P.(MD)No.8783 of 2001 wherein the respondent themselves admitted that the claim of the petitioner would fall under Section 11 of the Inam Act, therefore, this court without going into the merits of the matter, as this would have some bearing upon the decision going to be taken by the Assistant Settlement Officer, hereby directs the Assistant Settlement Officer to consider the claim of the petitioner on the basis of the counter affidavit filed by them in W.P.No.8783 of 2001, detailed enquiry report submitted by the Assistant Settlement Officer, Thanjavur, by his letter in B.190/2001, dated 10.04.2001 and one another detailed report, which was sent to the Commissioner of Land Administration by proceedings in D2.6170/2000, dated 12.07.2001 and the documents 1 to 23 filed by the petitioner and pass suitable orders, on merits and in accordance with law, within three months from the date of receipt of a copy of this order."

5.Mr.K.Doraisamy learned Senior counsel would submit that despite direction issued by this court, the first respondent has not taken into consideration the material documents, while passing the impugned order and therefore, the matter has to be remitted back for fresh consideration.

<https://hcservices.ecourts.gov.in/hcservices/>

6.It is not in dispute that the order passed in W.P(MD)No.7357 of 2013, dated 12.11.2013 has become final. A perusal of the



order impugned in this writ petition would reveal that the first respondent by overlooking the directions given in the earlier writ petition and without taking into consideration the material documents passed the order. Therefore, in the considered view of this court, the order is liable to be set aside.

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7. In the light of the above facts, the order impugned in this writ petition is set aside and the writ petition is **allowed**. The matter is remitted back and the first respondent shall pass orders afresh, after providing opportunity to the petitioner as well as to the necessary parties if any, by following the directions of this court in W.P(MD)No.7357 of 2013, dated 12.11.2013, on merits and in accordance with law as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To,

1. The Principal Secretary/Commissioner of
Survey and Settlement,
Survey House,
Chepauk,
Chennai-600 005.
2. The District Survey & Settlement,
Survey House,
Chepauk,
Chennai-600 005.
3. The Assistant Settlement Officer (North),
Survey House,
Chepauk,
Chennai-600 005.

+1cc to Mr. Chamundi Bose, Advocate Sr.No.80284

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VB/JC/SAR1/05/10/2017/3P/5C

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21.09.2017