

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8862 of 2018

Subramani
S/o Solai

.. Petitioner

-vs-

1. The Tahsildar
Ponneri Taluk
Thiruvallur District

2. The Revenue Divisional Officer
Thiruvallur District

3. The District Collector
Thiruvallur District

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 27.03.2018 for issuance of patta in respect of the schedule property within the time stipulated by this Hon'ble Court.

For Petitioner :: Mr.S.Veeraraghavan

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

This writ petition has been filed seeking a mandamus to the Tahsildar, Ponneri Taluk, Thiruvallur District, the first respondent herein to consider the petitioner's representation dated 27.3.2018 for issuance of patta in respect of the property in Survey No.22/6, Aladu Village, Ponneri Taluk having an extent of 0.40 cents.

2. Learned counsel for the petitioner, in support of the prayer, submitted that initially the land covered in Survey No.22/6 situated at Aladu Village, Ponneri Taluk belonged to one Chockalinga Mudaliar, who sold the land in favour of M/s Kuppusamy Mudaliar and Chandrasekara Mudaliar under the sale deed dated 17.1.1940. Subsequently, M/s Kuppusamy Mudaliar and

Chandrasekara Mudaliar sold the land to one Ponnusamy Mudaliar under the sale deed dated 24.6.1968 registered as Document No.1846 of 1968 on the file of the Sub Registrar, Ponneri. After the demise of Ponnusamy Mudaliar, his sons Sivaprakasam and Selvakumar have jointly sold the 0.40 cents of land to one Solai, who is the father of the petitioner under the sale deed dated 6.6.1983 registered as Document No.1495 of 1983 on the file of the Sub Registrar, Ponneri. From the date of purchase, the petitioner's family had been in possession and a representation also has been given to the first respondent to issue patta. For the reasons known to the first respondent, he has not issued the patta in favour of the petitioner till date. Therefore, a direction be issued allowing the writ petition.

3. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the respondents, objecting the prayer, submitted that when the 'A' register, a copy of which has been enclosed at page-21 of the typedset, being the crucial document, clearly shows that the Survey No.22/6 having an extent of 0.40 cents is classified as 'Anadheenam', the petitioner cannot press his prayer at all.

4. I fully agree with the submission made by the learned Special Government Pleader for the respondents. A perusal of the copy of the 'A' register enclosed at page-21 of the typedset clearly shows that the land in Survey No.22/6 having an extent of 0.40 cents neither belonged to Chockalinga Mudaliar, original vendor nor to Kuppusamy Mudaliar and Chandrasekara Mudaliar. Therefore, when the petitioner's father Mr.Solai had wrongly purchased the land from an encroacher, who had encroached the land classified as 'Anadheenam', this Court, finding that the petitioner is not entitled to get patta, is not inclined to entertain the writ petition. Accordingly, this writ petition is dismissed. Consequently, W.M.P.No.10714 of 2018 is also dismissed. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

ss

To

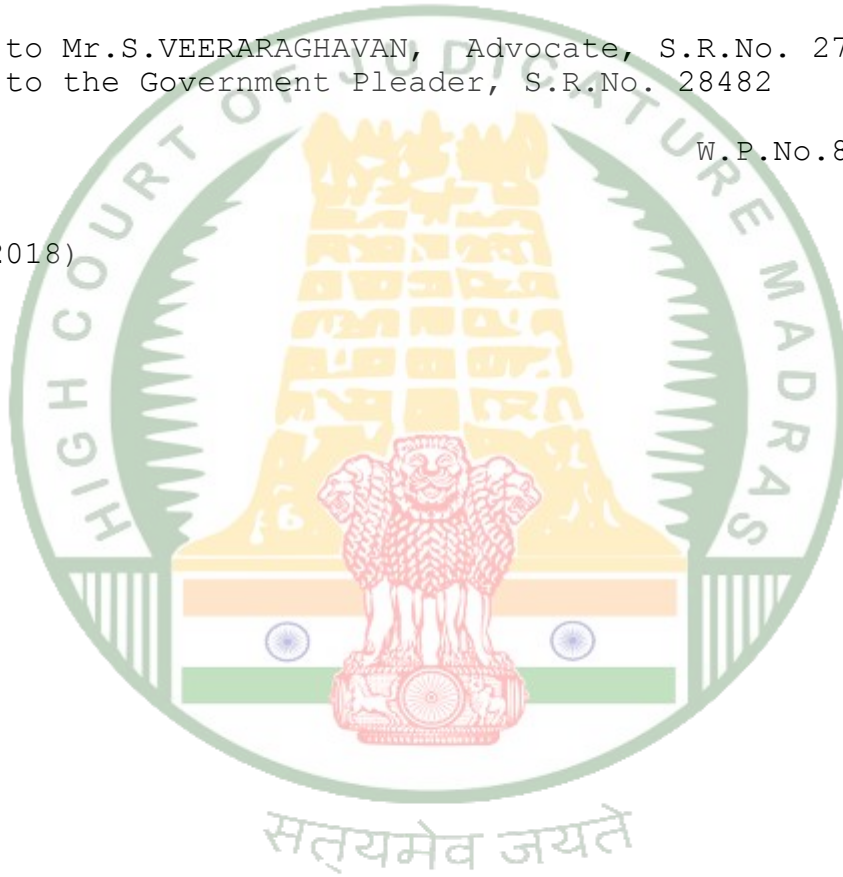
1. The Tahsildar
Ponneri Taluk
Thiruvallur District
2. The Revenue Divisional Officer
Thiruvallur District
3. The District Collector
Thiruvallur District

+1cc to Mr.S.VEERARAGHAVAN, Advocate, S.R.No. 27617

+1cc to the Government Pleader, S.R.No. 28482

W.P.No.8862 of 2018

SVI (CO)
TR(25/04/2018)



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