

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17-09-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.22496 of 2017

R.Venugopal ... Petitioner

..Vs..

1.The Tahsildar,
Taluk Office,
Chinglepet.

2.The Village Administrative Officer,
Palaveli Village,
Venpakkam Post,
Kattankolathur Union,
Chinglepet Taluk,
Kamchipuram District.

3.The Land Revenue Inspector,
Chinglepet Taluk,
Chinglepet.

4.Mrs.Arputham ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent herein to consider the petitioner's representation/application dated 31.8.2016 for conducting an enquiry as directed in Na.Ka.3035/2016/A dated nil.09.2016 for the issuance of patta in his name for the whole extent of 7-1/2 cents comprised in S.No.52 (Part) in Survey No.89/6 at No.245, Palaveli Village, Chinglepet Taluk, Kancheepuram District by cancelling/transferring patta No.1, which now stands in the name of the fourth respondent.

For Petitioner : Ms.N.Alamelu Mangai

For Respondents-1to3 : Mr.R.S.Selvam,
Government Advocate.

For Respondent-4 : Mr.A.Murali

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to consider the representation submitted by the writ petitioner for grant of patta.

2. The learned counsel for the writ petitioner states that in respect of the portion of the land belongs

to the writ petitioner, patta was already granted in favour of his wife. An application was submitted before the Tahsildar for grant of patta in the name of the writ petitioner. However, the same has not been considered by the first respondent. Thus, the writ petitioner is constrained to move the present writ petition.

3. The learned Government Advocate, appearing on behalf of respondents 1 to 3, made a submission that the land in question is classified as 'Grama Natham' and therefore, the writ petitioner is not entitled for the grant of patta under the provisions of the Patta Pass Book Act.

4. In respect of the portion of the land belongs to the writ petitioner, patta has not been granted and the writ petitioner's wife owns a land measuring 4 cents. In respect of the said land, patta has already been granted. Thus, the writ petitioner seeks patta in respect of the Government land, which is now under his illegal occupation. The writ petitioner's wife alone is entitled for patta in respect of 4 cents and the rest of the lands belong to the writ petitioner are to be treated as encroachments.

5. Under these circumstances, if any portion of the Government land encroached by the writ petitioner, the authorities competent are bound to evict all such encroachments by following the procedures contemplated under the Tamil Nadu Land Encroachments Act, 1905. Thus, it is made clear that in the event of any encroachments by the writ petitioner, the same is to be evicted by following the procedures.

6. Under these circumstances, even for a direction to consider the representation, the same cannot be granted in the absence of establishing a legal right. When the learned Government Advocate for the respondents 1 to 3 states that the land against which the patta is sought for by the writ petitioner belongs to the Government and classified as 'Grama Natham'.

7. This being the factum of the case, the relief, as such, sought for by the writ petitioner in this writ petition, cannot be granted. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

17-09-2018

Index : Yes.

Internet : Yes.

Speaking order.

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To

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S.M.SUBRAMANIAM, J.

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