

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.14985 of 2018 and

W.M.P.No.17746 of 2018

R.K.Agarwal

.. Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The Tahsildar,
Thiruvottiyur Taluk Office,
Thiruvallur District.
- 3.The Revenue Inspector,
Manali Revenue Firka,
Thiruvottiyur Taluk Office,
Thiruvallur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents to consider the representation of the petitioner dated 18.12.2017 for issuance of patta in respect of property to an extent of 2 acres 20 cents situated in Old S.No.29/1 and new S.No.29/4 No.44 Saddyakuppan Village, Ambattur Taluk, Thiruvallur District.

For Petitioner : Mr.M.Raja Sekhar

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c)

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioners have filed the above Writ Petition to issue a Writ of mandamus directing the respondents to consider the

representation of the petitioner dated 18.12.2017 for issuance of patta in respect of property to an extent of 2 acres 20 cents situated in Old S.No.29/1 and new S.No.29/4 No.44 Saddyakuppan Village, Ambattur Taluk, Thiruvallur District.

2.It is brought to the notice of this Court that earlier, the 3rd respondent issued notice dated 28.04.2017 under Section 7 of the Tamil Nadu Land Encroachment Act to the petitioner. The petitioner submitted his reply on 11.05.2017. The petitioner also challenged the notice dated 28.04.2017 by way of a Writ Petition in W.P.No.13089 of 2017 and the Division Bench of this Court, by order dated 17.05.2017, disposed of the Writ Petition by directing the respondents to consider the reply dated 11.05.2017 and pass appropriate orders under Section 6 of the Land Encroachment Act within a period of two weeks.

3.The learned counsel appearing for the petitioner submitted that though this Court had directed the respondents to pass orders under Section 6 of the Act within two weeks time, the respondents have not passed any order so far. Therefore, the petitioner has submitted an application for issuance of patta.

4.Since the proceedings are pending under the Tamil Nadu Land Encroachment Act, the petitioner cannot seek for issuance of patta. Merely because the 3rd respondent had not passed any order within the stipulated time, shall not give any advantage to the petitioner to claim patta in respect of the said land. In any event, the 3rd respondent should pass orders after considering the petitioner's reply dated 11.05.2017 as directed by this Court in the order dated 17.05.2017 made in W.P.No.13089 of 2017. If the petitioner is able to establish that he is not an encroacher of the land in dispute, in that case, the petitioner can seek for issuance of patta in respect of the said land.

5.For the reasons stated above, the relief sought for in the Writ Petition cannot be granted to the petitioner for the present. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

va

To

1.The District Collector,
Office of the District Collector,
Thiruvallur District,
Thiruvallur.

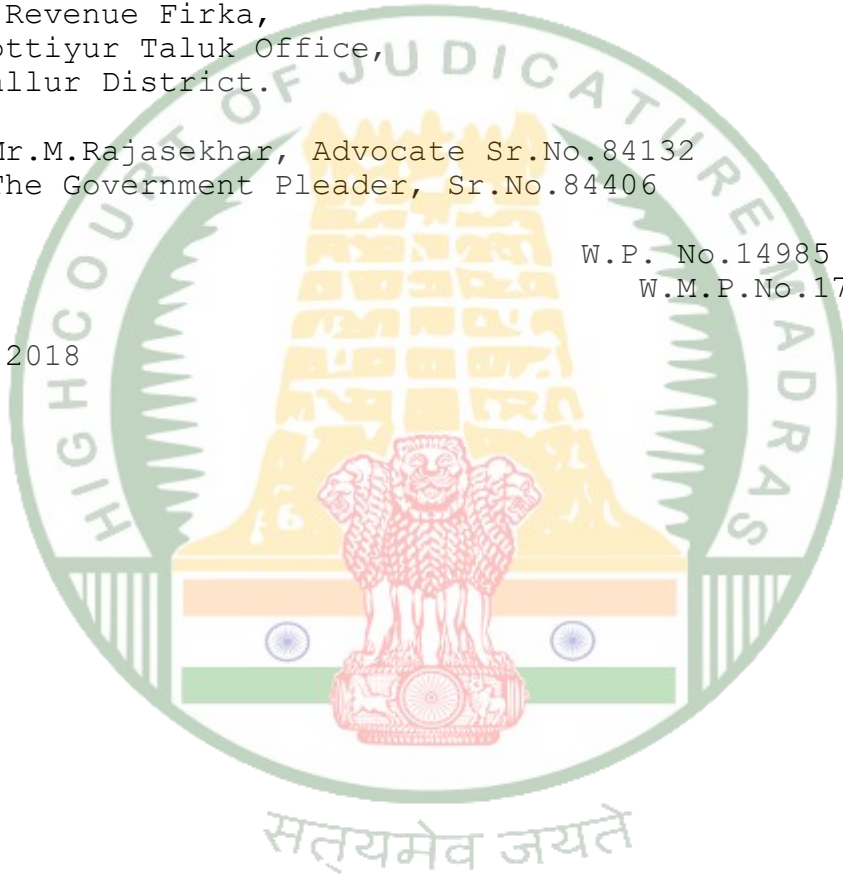
2.The Tahsildar,
Thiruvottiyur Taluk Office,
Thiruvallur District.

3.The Revenue Inspector,
Manali Revenue Firka,
Thiruvottiyur Taluk Office,
Thiruvallur District.

+1 cc to Mr.M.Rajasekhar, Advocate Sr.No.84132
+1 cc to The Government Pleader, Sr.No.84406

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RV(CO)
CSL/27.12.2018



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