

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 9860 of 2013
M.P.Nos. 1 and 2 of 2013

V. Santhi

... Petitioner

Vs.

1. The Collector,
Thiruvallur district.
2. The Thasildar,
Thiruvallur Taluk,
Thiruvallur District.
3. The Village Administrative Officer,
Thirumanikuppam Village,
Thiruvallur Taluk,
Thiruvallur District.

.... Respondents

Prayer ::

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 3rd respondent to cancel the undated rough Chitta and Adangal extract bearing No.145, erroneously for an extent of 40 square metres in respect of the property being Old Door No. 6, New Door No. 1/11, Big Street Thirumanikuppam Village comprised in Survey No.345, New Survey No. 526/29A, Thirumanikuppam Village, Thiruvallur taluk, Thiruvallur district and consequently call upon the respondents herein to effect changes in the revenue records being A Register Extract, Chitta and Adangal extract in respect of the property of an extent of 118 sq.meters in terms of the Assignment Patta prescribed in the Form XIX bearing proceedings Na. Ka. No. 985/06AA 3 dt 23.01.2006 in the name of the petitioner.

For Petitioner : M/S.A.Palaniappan

For Respondents : Mr.D.Raghu

O R D E R

The relief sought for in this writ petition is for a direction to direct the 3rd respondent to cancel the undated rough Chitta and Adangal extract bearing No.145, erroneously for an extent of 40 square meters in respect of the property being bearing Old Door No. 6, New Door No. 1/11, Big Street, Thirumanikuppam Village, comprised in Survey No. 345, New Survey No. 526/29A, Thirumanikuppam Village, Thiruvallur Taluk, Thiruvallur District and consequently call upon the respondents to effect changes in the revenue records being A Register extract Chitta and Adangal extract in respect of the property of an extent of 118 Square Meters in terms of the Assignment Patta prescribed in the form XIX bearing proceedings Na. Ka. No. 985/06AA 3 dated 23.01.2016.

2. The writ petitioner claims that he is the absolute owner of the house site together with two thatched shed in the said site, comprised in Survey No. 345, New Survey No. 526/29A, Thirumanikuppam Village, Thiruvallur taluk and Thiruvallur district, land to an extent of acre 0.03 cents. The petitioner claims that the said property is an ancestral property and the petitioner is now in possession and enjoyment of the same.

3. The learned counsel appearing on behalf of the writ petitioner made a submission that the respondents have formulated a scheme for assignment of land in favour of some eligible person. Further, it is clarified by the learned counsel for the petitioner that the petitioner claims Patta in respect of the land in his possession and enjoyment for many years. The classifications of the lands are to be verified by the officials concerned with reference to the revenue records. This court cannot adjudicate the nature of the land proposed to be assigned or for grant of Patta.

4. However, assignment can never be claimed as a matter of right and it is for the state to moot out a policy for the purpose of grant of assignment in favour of the persons who all are eligible in an uniform manner. If a Government takes a decision for the purpose of grant of assignment in favour of group of people then such a policy to be implemented uniformly and without any discrimination. There shall not be any inconsistency in respect of implementing such welfare policies.

5. For grant of Patta the writ petitioner has to establish his title, ownership or possession. Patta passbook can be granted under the provisions of the Tamil Nadu Patta Passbook Act 1983. Section 3 of the said Act enumerates that a Patta

Passbook can be granted only to the "owner". Thus it is unambiguous that a person who is the owner of a property alone is competent to get a Patta. In such an event the person claiming Patta has to establish the ownership. Further the Government by virtue of a policy also can grant Patta, provided such a policy is taken in the interest of public.

6. The learned counsel for the petitioner states that the land in question is classified as "Gramanatham". Thus the petitioner is entitled for Patta.

7. However, such factors are to be ascertained by the authorities and as per the procedures contemplated under law. However, the relief as such sought for cannot be granted and it is left open to the respondents to ascertain all these factors and act accordingly.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msvm

To

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Thiruvallur District.
2. The Thasildar,
Thiruvallur Taluk,
Thiruvallur District.
3. The Village Administrative Officer,
Thirumanikuppam Village,
Thiruvallur Taluk,
Thiruvallur District.

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nr 24/07/2018