

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.06.2018

CORAM

THE HONOURABLE MRS. V. BHAVANI SUBBAROYAN

WP.No.11607 of 2008

J. Mathias

... Petitioner

Vs.

1. The District Collector
Kancheepuram

2. The Tahsildar
Tambaram,
Chennai-600 044.

3. Varadambal Gnanamani
President
Pozhichalur Panchayat.
Chennai - 600 044.

4. Gnanamani
Vice President
Pozhichalur Panchayat,
Chennai - 600 044.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to forbear the the respondents 3 and 4, their men, agents or servants or anybody from disturbing or in any way interfering with the peaceful possession and enjoyment of the petitioner's land of an extent of 3.33 acres of land in Survey Nos.231/1, 244, 245, and 246 situated in Pozhichalur Village in Tambaram Taluk, Kancheepuram District.

For Petitioner : M/s.S. Sathia Chandran

For Respondents 1&2 : Mr.R.S. Selvam
(Government Advocate)

For Respondent-3 : Mr.G. Sankaran

For Respondent-4 : Mr.P. Mahadevan

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 and 2 to forbear the the respondents 3 and 4, their men, agents or servants or anybody from disturbing or in any way interfering with the peaceful possession and enjoyment of the petitioner's land of an extent of 3.33 acres of land in Survey Nos.231/1, 244, 245, and 246 situated in Pozhichalur Village in Tambaram Taluk, Kancheepuram District.

2. Heard the learned counsel for the petitioner as well as the respondents.

3. The petitioner viz., Mathias is in continuous possession of an extent of 3.33 acres of land in Survey Nos.231/1, 244, 245 and 246 situated in Pozhichalur Village, Tambaram Taluk, Kancheepuram District. The said land is classified as "Meikkal Poramboke" and the petitioner has planted saplings, coconut and other 100 trees. The petitioner is in continuous peaceful possession and enjoyment of the same for nearly two decades and the petitioner has also paying necessary charges to the Revenue Authorities. The petitioner also has electricity connection and pucca construction in the said land. The said lands are not regularized by the Revenue Authorities since from his father's time. The petitioner had sent several representations to the Revenue Authorities in this regard.

4. The learned counsel for the petitioner would further contend that as per the G.O.(Ms).No.854 dated 30.12.2006, the petitioner is entitled to get patta, wherein, it has been observed that any person who is in possession of government waste lands for more than 10 years or above and which could not be used for agricultural purposes and other purposes etc., the said person may be issued patta in respect of the lands in their possession. Hence, as per the said G.O.(Ms)No.854, the petitioner has applied to the respondents by way of representation dated 04.10.2007 requesting them to issue patta. By communication dated 26.11.2007 the same was forwarded to the Sub-Collector, Chengalpattu and for enquiry and report thereon. Since there was a delay in issuing patta and constant threat of land grabbing by the third parties, the petitioner was constrained to approach this Hon'ble Court by filing a Writ Petition in W.P.No.8449 of 2008 praying for issuance of the direction to the respondents 1 and 2 to consider the petitioner's representation dated 04.10.2007 and issued the patta within a time frame to be fixed by this Hon'ble Court. When the matter was taken up for hearing, this Hon'ble Court was pleased to pass an order on 08.04.2008 directing the second

respondent therein, to consider the petitioner's representation and pass appropriate orders within a period of six weeks. While that being so, the petitioner under the apprehension that the third parties viz., 3rd and 4th respondents, who are politically influenced persons were trying to evict the petitioner from the possession, has filed the present writ petition.

5. When the matter came up for hearing on 08.06.2018, this Hon'ble Court has directed the Government Pleader to get necessary instructions regarding the issue as to whether the petitioner is still in possession of the same or not?

6. In reply to the said instructions the learned Government Pleader produced a copy of communication Na.Ka.No.3507/2018/aa, dated 12.06.2018 sent by the Tahsildar, Pallavaram to the Government Pleader, wherein it is stated that the said land bearing Survey Nos.231/1, 244, 245 and 246 situate in Pozhichalur Village in Tambaram Taluk, Kancheepuram District and after the enquiry, it was found that the said land is "Government Poromboke land" and the said lands situate nearest to the Greater Chennai and there is a ban already in existence regarding the lands situate within 32kms encircling Greater Chennai and hence there should not be no patta to be granted to any land within the area of 32 km from the territory of Greater Chennai and due to this, the petitioner is not entitled for issuance of patta. The Tahsildar has also attached the copy of the proceedings dated 21.08.2017 which has been issued to one Monish, son of the petitioner herein, with the said communication to the Government Pleader.

7. The learned counsel for the petitioner would submit that the said communication/letter dated 21.08.2017, has not yet been served on the petitioner. He would also seek liberty to challenge the said communication/order dated, after the petitioner received the same.

8. Recording the said submission of the learned Government Pleader and the communication Na.Ka.No.3507/2018/aa, dated 12.06.2018, this writ petition is dismissed. It is for the petitioner to work out his remedy in the manner known to law.

9. Accordingly, the writ petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msm

To

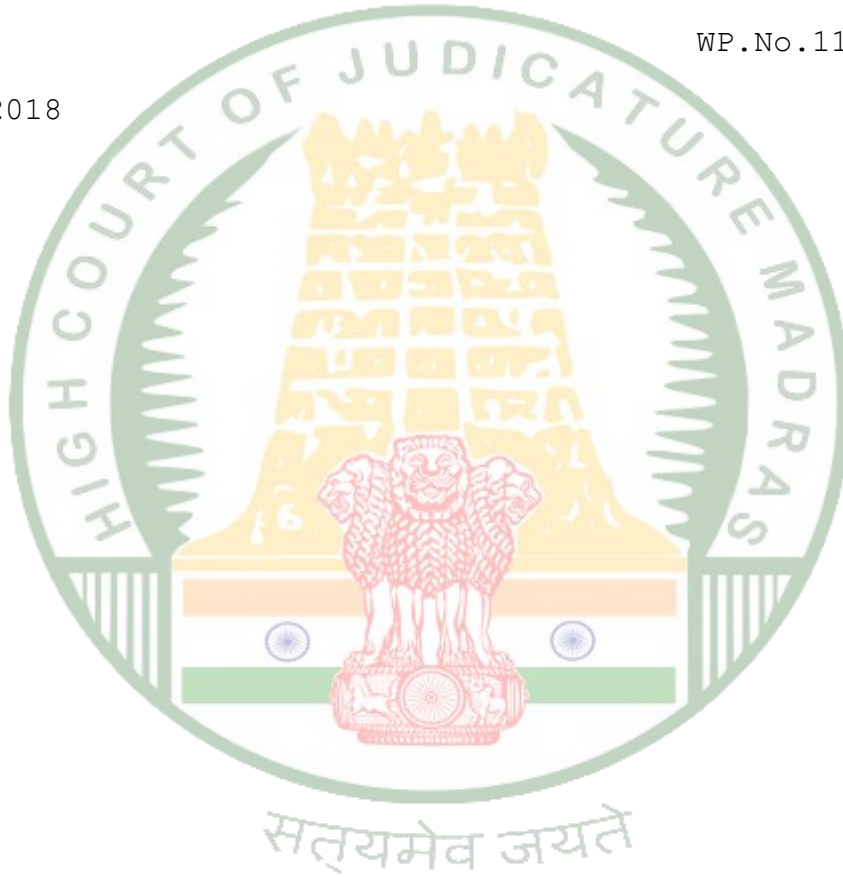
1. The District Collector
Kancheepuram

2. The Tahsildar
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+lcc to the Government Pleader, S.R.No.37230

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SSI (CO)
BM 26/07/2018



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