

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-07-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13400 of 2013

And

M.P.No.1 of 2013

1.Mrs.Sakunthalamani

2.Mrs.Kamala Venkatachalam

3.Ashok Vasan

Petitioners 1 to 3 represented by their

Power of Attorney Agent K.V.Parasuraman

No.12, Ward No.2, Mettu Street,

Kalvoy,

Kancheepuram District.

.. Petitioners

-vs-

1.The Principal Secretary and Commissioner,

Director of Land Survey and

Land Assessment Settlement,

3rd Floor, Ezhilagam,

Chepauk,

Chennai-600 005.

2.The Land Assessment Settlement Office,

3rd Floor, Ezhilagam,

Chepauk,

Chennai-600 005.

3.Tahsildar,

Guduvancherry,

Chengalpattu Taluk,

Kancheepuram District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order in Na.Ka.No.E1/2935/2012, dated 12.4.2012 of the first and second respondents herein and quash the same and to direct the first respondent to consider the petition dated 22.3.2012 of the petitioners and dispose of the same on merits.

For Petitioners - Dr.C.Ravichandran

For Respondents - Ms.A.Sri Jayanthi,

Special Government Pleader.

ORDER

The order impugned, issued by the first and second respondents in proceedings dated 12.4.2012, rejecting the claim of the writ petitioners for grant of patta, is under challenge in this writ petition.

2. The impugned order states that the land in question in the present writ petition is Nanjai Annadhinam and in the 'A' Register also, it is recorded that it is Nanjai Annadhinam. Thus, the claim of the writ petitioners for grant of patta has been rejected.

3. The learned counsel, appearing on behalf of the writ petitioners, made a submission that the writ petitioners are the owners of the property and they are in possession and enjoyment of the same. This apart, the writ petitioners purchased the said property from their vendor in the years 1997, 1998 and 1999. If at all, the writ petitioners claim the title, ownership or possession in respect of the Annadhinam land, then it is left open to the writ petitioners to adjudicate the same before the competent Civil Court of Law.

4. The learned Special Government Pleader, appearing on behalf of the respondents, made a submission that during the year 1984, the survey of the entire area has been conducted and the Annadhinam lands were identified by the competent authority and persons claiming such lands are considered based on the documents produced by them and accordingly, patta was issued in favour of those persons, who established their right over such Annadhinam lands and thereafter, the Annadhinam lands are not allotted to any other persons.

5. Thus, the writ petitioners cannot claim patta in respect of such Annadhinam lands, which were already settled based on the documents produced by the persons concerned. Thus, it is left open to the writ petitioners to approach the competent Civil Court of Law for the purpose of establishing their title, ownership or possession. However, the relief, as such, sought for by the writ petitioners in this writ petition cannot be granted. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Principal Secretary and Commissioner,
Director of Land Survey and
Land Assessment Settlement,
3rd Floor, Ezhilagam,
Chepauk,
Chennai-600 005.

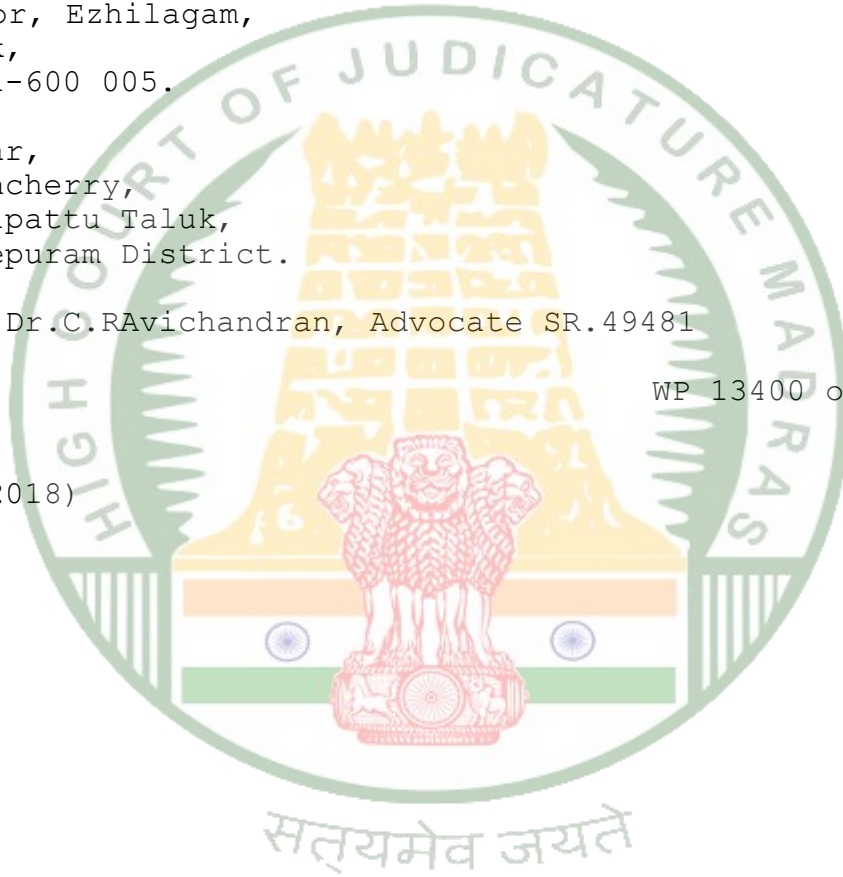
2.The Land Assessment Settlement Office,
3rd Floor, Ezhilagam,
Chepauk,
Chennai-600 005.

3.Tahsildar,
Guduvancherry,
Chengalpattu Taluk,
Kancheepuram District.

+ 1 cc to Dr.C.RAvichandran, Advocate SR.49481

WP 13400 of 2013

(CS-IX)
EU(02/08/2018)



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