

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13912 of 2007
And
M.P.No.1 of 2008

1.M.Devaraj
2.M.Yuvaraj
3.M.Manogar
4.M.Maran
5.D.Gowri
6.S.Pushparani
7.A.Jagadeeswari Petitioners

Vs.

1.The District Collector
Kancheepuram District,
Kancheepuram.
2.The Tahsildar
Maduranthakam Taluk,
Maduranthakam
Kancheepuram District.
3.The Revenue Inspector
Pazhamathur Village
Maduranthakam Taluk,
Kancheepuram District. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to issue patta in favour of the petitioners in respect of lands of an extent of 6 acres and 20 cents in survey Nos.293, 294, 298, 299, 300, 301, 302, 303, 305-A, 306 and 306/2 in Pazhamathur Village, Maduranthakam Taluk, Kancheepuram District.

For Petitioners : Ms.AL.Ganthimathi
For Respondents : Mr.K.Ravi Kumar
Additional Government Pleader

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to

issue patta in favour of the petitioners in respect of lands of an extent of 6 acres and 20 cents in survey Nos.293, 294, 298, 299, 300, 301, 302, 303, 305-A, 306 and 306/2 in Pazhamathur Village, Maduranthakam Taluk, Kancheepuram District.

2.The case of the petitioners is that they are the sons and daughters of one late Munisamy, who served as soldier during the second world war. While the petitioners' father was in service of the Royal Indian Army, he was decorated with 100015 star, Burma star and war medal appreciating his service and he got himself relieved from the army in the year 1947. Considering the services rendered by him, the then Government vide proceedings dated 26.06.1945, provided him six acres of land comprised in survey Nos.298, 299, 300, 301, 302, 303, 305-A, 306/2, 293 and 294 in Pazhamathur Village, Maduranthakam Taluk, Kancheepuram District, under a Scheme called Grow More Food and permitted to enjoy the land and make out a living by cultivating the same.

3.It is the further case of the petitioners that they are in possession and enjoyment of the same and are cultivating the said lands and are carrying on agricultural activities. Thereafter during the year 1979 since some third parties tried to interfere with their possession, the petitioners approached the Civil Court and filed O.S.No.400 of 1979. Though permission was granted to enjoy the said lands and to cultivate the same, no patta was granted to the petitioners' father. Hence, he applied for patta. However, the said request was rejected by the second respondent vide proceedings dated 28.07.1991 stating that the said lands are poramboke lands. Challenging the said rejection, the petitioners' father filed a writ petition in W.P.No.13155 of 1991 and the said writ petition was allowed by this Court. However, the respondents did not pass any orders on the application of patta and the petitioners continued to be in possession of the lands.

4.It is the further case of the petitioners that while such being the position, the third respondent orally threatened the petitioners to hand over possession of the said lands to the respondents. Hence, the petitioners have come forward with this writ petition.

5.The petitioners claim that they are the legal heirs of late Munisamy who served as soldier during the second world war and that the then Government vide proceedings dated 26.06.1945, provided him six acres of land comprised in survey Nos.298, 299, 300, 301, 302, 303, 305-A, 306/2, 293 and 294 in Pazhamathur Village, Maduranthakam Taluk, Kancheepuram District, under a Scheme called Grow More Food and permitted them to enjoy the land and make out a living by cultivating the said lands.

6.The petitioners further claim that after the assignment, they enjoyed the property for time immemorial and Revenue Authorities also granted B Memos recognizing their possession. Accordingly, they are entitled for patta. However, not even a single evidence has been produced before this Court with regard to the assignment granted in favour of the petitioners on Ex-Serviceman category or any title so as to enable this Court to issue direction to the Revenue Authorities for grant of patta.

7.Unless the petitioners establish their title, patta cannot be granted in their favour. Accordingly, this Court have no hesitation to dismiss the writ petition. However, this order will not stand on the way of the petitioners to work out their remedy in the manner known to law.

8.The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector
Kancheepuram District,
Kancheepuram.

2.The Tahsildar
Maduranthakam Taluk,
Maduranthakam
Kancheepuram District.

3.The Revenue Inspector
Pazhamathur Village
Maduranthakam Taluk,
Kancheepuram District.

+1cc to Mr.AL.Ganthimathi, Advocate, S.R.No.47343

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SMI/09.08.2018