

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.07.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.17676 of 2018

M.Dhayalan

...Petitioner

Versus

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Revenue Divisional Officer,
Thiruvallur Division,
Thiruvallur.
3. The Tahsildar,
Avadi Taluk, Avadi.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider and dispose of the petitioner's representation dated 06.06.2018 on merits and in accordance with law.

For Petitioner: Mr.D.Senthil Kumar

For Respondents: Mr.S.N.Parthasarathy

Government Advocate

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to consider and dispose of the petitioner's representation dated 06.06.2018 on merits and in accordance with law.

2. Learned Counsel appearing for the petitioner submitted that on 15.05.1975, the Settlement Tahsildar, Chengalput, passed an order in Ref.No.S.R.5/75/SDT/30/63 for grant of Ryotwari Patta under Section 11 read with 8(12) of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963, i.e. Act 30/63 in favour of the claimants. Since the petitioner is also one of the claimants, by virtue of the said proceedings, his brother Mr.Babu, son of Murugan was allotted a vacant site measuring an extent of 0.22 cents comprised in Survey No.101/7

Part of Morai Village. Since then, his brother was in the absolute peaceful possession and enjoyment of the said land without any interruption and the Extract of 'A' was also issued in his favour. Subsequently, the petitioner and his brother have orally partitioned the ancestral property and other property in the presence of village elders. By and through the oral partition, the vacant land measuring an extent of 0.16 cents, comprised in Survey No.101/7 Part of Morai Village was allotted to him.

3. The learned Counsel for the petitioner further submitted that while so, the respondents have arbitrarily converted the classification of his land from Ryotwari Land to Anaadeenam without issuing any notice or conducting enquiry with him or his brother. To rectify the same, the petitioner has approached the respondents by giving a written representation in person on 6.6.2018. But the same has not been done. Hence the present Writ Petition.

4. Learned Government Advocate, who takes notice for the respondents, submitted that though the petitioner makes a claim that the land-in-question was allotted in favour of his brother Babu, son of Murugan, there is no document whatsoever has been produced to prove the same. Therefore, the contention made by the petitioner that he was allotted the land-in-question in their family partition as against the Ryotwari Land Classification wrongly mentioning as Anaadeenam is misconceived.

5. I also find some merit in the submission of the learned Government Advocate appearing for the respondents.

6. Firstly, when the petitioner's brother Babu, son of Murugan, according to the petitioner, was allotted the land-in-question, it is not known why the petitioner does not produce any Revenue Records showing the name of his brother Babu in respect of the land-in-question. Secondly, when it is stated that the land-in-question was allotted to the petitioner in a partition, even the partition deed has not been produced before this Court. That apart, though it is stated that Ryotwari Patta was issued in favour of his brother Babu and in respect of the same, 'A' Register Extract was also issued, a perusal of the 'A' Register Extract only shows as இ.ஒ.(4) மு.பாபு.

7. In view of all the above, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Revenue Divisional Officer,
Thiruvallur Division,
Thiruvallur.
3. The Tahsildar,
Avadi Taluk, Avadi.

+1cc to Mr.D.Senthil Kumar, Advocate, S.R.No.46497

+1cc to the Special Government Pleader, S.R.No.47570.

W.P.No.17676 of 2018

AK(CO)
BM 01/08/2018



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