IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2018
CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32179 of 2014
and
MP.No.1 of 2014

Mrs.Lakshmi ... Petitioner

vs.

1. State of Tamil Nadu,
Rep. by its Revenue Secretary,
Secretariat, St.George Fort,
Chennai - 600 009.

2. The District Collector,
Office of the Collectorate,
Thiruvallur.

3. The Special Tahsildar,
Natham Land Tax Scheme,
Vanagaram Village, Ambattur Division,
Ambattur.

4. The Village Administrative Officer,
No.71, Vanagaram Village,
Ambattur Taluk,
Tiruvallur District.

5. The President,
N.V.Srinivasan,
Vanagaram Panchayat,
Vanagaram.

6. The Inspector of Police,
Vanagaram Police Station,
Vanagaram.

7. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus directing the respondents 1 to 4 to issue patta to the petitioner for the property bearing door No.1/186 in the land admeasuring 1 ground in comprised in Old Survey No.25/3, New S.No.353, Vanagaram PH road, Vanagaram Post, Ambattur Taluk.

For Petitioner : M/s.M.Saravana Kumar
For Respondents: Mr.A. Ansar for R1 to R4 & R6.
Mr.R. Ravichandran for R5.
Mr.G. Anantharangan R7

O R D E R

The relief sought for in this writ petition is for direction to direct the respondents 1to 4 to issue patta to the petitioner for the property bearing door No.1/186 in the land admeasuring one ground, comprised in Old Survey No.25/3, New S.No.353, Vanagaram PH road, Vanagaram Post, Ambattur Taluk.

2. The petitioner states that she is the widow and her husband Late.Kaniappan was passed away during the year 1994. The petitioner is living in the house property bearing door No.1/186 in old Survey No.25/3, New Survey No.353 situated at Vanagaram PH Road, Vanagaram Post, Ambattur Taluk, ever since from her marriage. The husband of the writ petitioner was in uninterrupted possession and enjoyment of the land during his life time and subsequently, the writ petitioner is in possession and enjoyment of the very same property.

3. It is admitted by the writ petitioner that the said land is classified as "Grama Natham Land". The petitioner claims that she is having no other property anywhere and therefore pattta is to be granted in her favour.

4. The learned Government Advocate, appearing on behalf of the respondents, opposed the said contention of the learned counsel for the writ petitioner, by stating that, the writ petitioner is not entitled for the grant of patta in view of the fact that the petitioner has not submitted any document establishing that she is entitled for the grant of patta in accordance with the provisions of the Patta Pass Book Act, 1983.

5. This apart, in respect of the Natham vacant land, Office of the Additional Chief Secretary / Commissioner of Land Administration, Ezhilagam, Chepauk, Chennai, issued circular in proceedings dated 07.08.2015 and the relevant paragraph No.6 of the Circular is extracted here under:-

> " 6. In view of the above discussion, the following criteria shall be adopted to consider the proposals received from the District Revenue Officers.
>
> A. In para 5 of the Notification of the Natham Settlement Scheme, it has been stated that in cases where no assignment order has been issued by the Revenue Department, the Special Tahsildar will decide the ownership of the property on the basis of enjoyment for 30 year prior to the date of publication of the

Notification in T.N.G.G. The Notification was issued on 14.10.1988 and the scheme was completed in the most parts of the State in the year 1996. Hence, in the proposals received from the District Revenue Officers now, 30 years of continuous enjoyment may be counted from the year 1966.

B. In the case of Category I, where built-up structures have been wrongly classified as Vacant sites, the claimant should furnish proof of the existence of the house at the time of settlement by detail in the FMB or other documentary proof, and continuous possession and enjoyment by suitable documentary evidence.

C. In Category II, where the land continuous to be vacant / new structure has been built after the Natham Settlement, continuous chain of documents from prior to the year 1966 will have to be established. The boundaries mentioned in those documents should be matched with the land for which claims are made and clearly colour-marked in the Field sketch. This exercise should be done at field level and a certificate in this regard should be furnished by the District Revenue Officer.

D. There are cases of claims for vacant natham sites physically adjacent to natham patta lands of the claimant that have already been issued patta under the Natham Settlement Scheme.

In such cases, the claim of the petitioner has already ben evaluated during the Natham Settlement. The natham patta has been granted after verifying the documents and possession during the Natham Settlement Scheme, and the vacant site not owned by the claimant has been settled as Natham Vacant Site, No firther claim can be based made on the same documents (prior to 1996) which have been taken in to consideration during the scheme. Such petitions need not be entertained.

E. Under the Natham Settlement Sheme, the maximum area for which patta could be granted was 35 centts only. The Scheme restricted the claims to a maximum of 35 cents only. Hence, for a valid claim over a vacant natham site, all vendors and vendeed including the present claimant in the unbroken chain of transactions since 1966 should have held less than 35 cents only at any point of time. A certificate should be furnished by the District Revenue Officer that

1. the total Natham patta land of the claimant including the present claim, excluding patta lands purchased after the scheme, does not exceed 35 cents in that Revenue Village.
2. All vendors and vendees in the unbroken chain of transactions since 1996 have held less than 35 cents only.

Therefore, the District Revenue Officers are requested to carefully examine the proposals received from the Revenue Divisional Officers and confirm that the above criteria are fulfilled before sending proposal to this office. It should be borne in mind that since the scheme was completed 20 years ago and there is no provision to apply under the scheme after the completion of the scheme, In the normal course, vacant Natham land should be assigned under RSO 21 as this is only a concession to those who have failed to get patta under Natham Settlement Scheme, though they were eligible. If the proposals received from the District Revenue Officer are found to be incomplete, they will be returned summarily."

6. In view of the Circular issued by the Additional Chief Secretary / Commissioner of Land Administration, the case of the writ petitioner cannot be considered at all. This Court is of an opinion that under Section 3 of the Patta Pass Book Act, 1983, enumerates that the owners of the immovable properties are entitled to claim pattta by filing appropriate applications before the Competent Authorities. Only in the event of establishing the ownership, patta can be granted. In the event of any dispute or if the land belongs to the Government, then the claimant is not entitled for the grant of patta. In the present case, admittedly, the land is classified as "Grama Natham Land". Pursuant to the Circular, dated 07.08.2015, issued by the Additional Chief Secretary / Commissioner of Land Administration, the respondents cannot consider the case of the writ petitioner for the grant of patta.

7. This being the factum of the case, the writ petitioner has not established any legal right, so as to consider the relief, as such, sought for in this writ petition. Accordingly the writ petition stands dismissed. No Costs. Consequently connected miscellaneous petition is also dismissed.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

pkn
To
1.The Revenue Secretary,
State of Tamil Nadu,
Secretariat, St.George Fort,
Chennai - 600 009.

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Corporation of Chennai,
Ripon Building, Chennai.

+1 CC to Govt. Pleader sr 67075.

W.P.No.32179 of 2014

SKV(CO)
SP(12/10/2018)