

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.17884, 18747,18748 & 18749 of 2010

and

W.M.P.Nos.2,3 of 2010 & 1 of 2011, 2 & 3 of 2010, 2 & 3 of 2010,
1&2 of 2010,1 & 2 of 2011, 4 of 2010 & 1 of 2011 and 1& 2 of 2011

	Petitioners in
1.R.Ratha	... W.P.No.17884/2010
2.E.Janaki	... W.P.No.18747/2010
3.C.Andal @ Thanjiyammal	... W.P.No.18748/2010
4.C.Rani	... W.P.No.18749/2010

Versus

1. The State of Tamil Nadu,
Rep. by the Chief Secretary and Commissioner
Land Administration Department,
Chennai-9.
2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
3. The Tahsildar,
Revenue Department,
Thiruvannamalai.
4. The Joint Professor and President,
Veterinary Medical Science Research University Centre,
Vellore- 9.
5. The Thiruvannamalai Municipality,
Thiruvannamalai,
Thiruvannamalai District. ...Respondents in all W.Ps

COMMON PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records made in Na.Ka No.A3/2402/2010 dated 23.02.2010, on the file of the 2nd respondent and quash the same and forbearing the respondents from interfering with possession and enjoyment of the land in T.S.No.1890/1C3 proposed T.S.No.1890/1C3B measuring to the

extent of 63 Cents, 16 Cents, 63 Cents and 1.20 acres respectively, of undivided land out of the petitioner, out of the total extent of 4.23 Acre in Thiruvannamalai.

For Petitioner : Mr.N.Manokaran
(in all W.Ps)

For Respondents : Mr.M.Elumalai
(in all W.Ps) Government Advocate for R1 to R3

Mr.V.Venkatesan for R4

Mr.P.Srinivas for R5

COMMON ORDER

These writ petitions have been filed seeking for issuance of Certiorarified Mandamus, calling for the records made in Na.Ka No.A3/2402/2010 dated 23.02.2010, on the file of the 2nd respondent and quash the same and forbearing the respondents from interfering with possession and enjoyment of the land in T.S.No.1890/1C3 proposed T.S.No.1890/1C3B measuring to the extent of 63 Cents, 16 Cents, 63 Cents and 1.20 acres respectively, of undivided land out of the petitioner, out of the total extent of 4.23 Acre in Thiruvannamalai.

2.The petitioners in W.P.Nos.17884, 18747 and 18748 of 2010 are the daughters of Sukkan Chetty and the petitioner in W.P.No.18749 of 2010 is the subsequent purchaser of the above said land from one Anuman, who is the son of Sukkan Chetty and brother of the other writ petitioners. Since the disputed property and the prayer of the petitioners are common, these writ petitions are taken up for a common disposal.

3.The facts of the case is as narrated in W.P.No.17884 of 2010.

The land comprised in S.No.1890/1c measuring to an extent of 4.23 acres originally belongs to one Chinnammal, wife of Koonan Chetty, and she was in enjoyment and possession of the said property and all the revenue records stood in her name. Chinnammal sold the said property to the petitioner's father Sukkan Chetty under a registered sale deed dated 17.07.1943 and delivered possession. From the date of purchase, the petitioner's father was in enjoyment and possession of the property. Petitioner's father died in the year 1979 leaving his

wife viz., Chinnathayammal by way of registered will dated 04.12.1978. Thereafter, petitioner's mother Chinnathayammal and the petitioner's brother Anuman shared the property by way of partition deed dated 30.05.1989. Thereafter, Chinnathayammal bequeathed her share of property to her daughter, the petitioners herein by way of registered document dated 11.03.1997 and the petitioner was in possession and enjoyment of her share of 0.63 cents and there is a well and also a pump set with electricity connection and was also holding Adangal for the year 1999 and 2003. While being so, the land Town Surveyor on 17.01.2010 had started measuring the land. When the petitioner objected to it, she was informed that the property belongs to Government since she failed to obtain patta to the said property. Immediately, the petitioner applied for patta and also filed objection for acquisition of land on 15.02.2010. Thereafter, the 2nd respondent has passed a resolution dated 23.02.2010 in Na.Ka.No.A3/2402/2010, wherein it is mentioned that the said agricultural land is classified as 'Tharisu Land' and has been transferred to animal husbandry. Aggrieved by the said proceedings, the petitioners have filed the present writ petition with the aforesaid prayer.

4.The learned counsel for the petitioners would submit that though the title stands in the name of the petitioner, patta was not transferred by the government. However, the said land has been classified from agricultural land to 'Tharisu land' and had transferred the same to Animal husbandry without any notification to the petitioners. Hence, he seeks to quash the resolution passed by the 2nd respondent.

3.Per contra, the learned counsel for the respondent would submit that the classification of land need not be informed to the petitioner. It is absolutely vests with the corporation and the acquired land can be utilized for any purpose. If the petitioner is aggrieved, the petitioner has to approach the competent Court by way of filing a suit.

4.Heard both sides.

5.Since the petitioners challenge the classification of land, it cannot be challenged by way of filing a writ petition. The petitioners have to necessarily approach the competent authority and claim their right over the property.

6. Accordingly, these writ petitions stand dismissed. However, liberty is granted to the petitioners to file a suit before the competent Court and get redressed their remedy. The competent civil court shall decide the matters on merits and pass orders in accordance with law. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary and Commissioner,
State of Tamil Nadu,
Land Administration Department,
Chennai-9.
2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
3. The Tahsildar,
Revenue Department,
Thiruvannamalai.
4. The Joint Professor and President,
Veterinary Medical Science Research University Centre,
Vellore- 9.
5. The Thiruvannamalai Municipality,
Thiruvannamalai,
Thiruvannamalai District.

+4 ccs to M/s.N.Manokaran, Advocate, S.R.No.66522 to 66525

+1 cc to the Government Pleader, S.R.No.67131

+4 ccs to M/s.R.Ravindran, Advocate, S.R.No.66776

W.P. No.17884, 18747, 18748 & 18749 of 2010

VSN-II (CO)
SSM(16/09/2019)