

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2019

CORAM

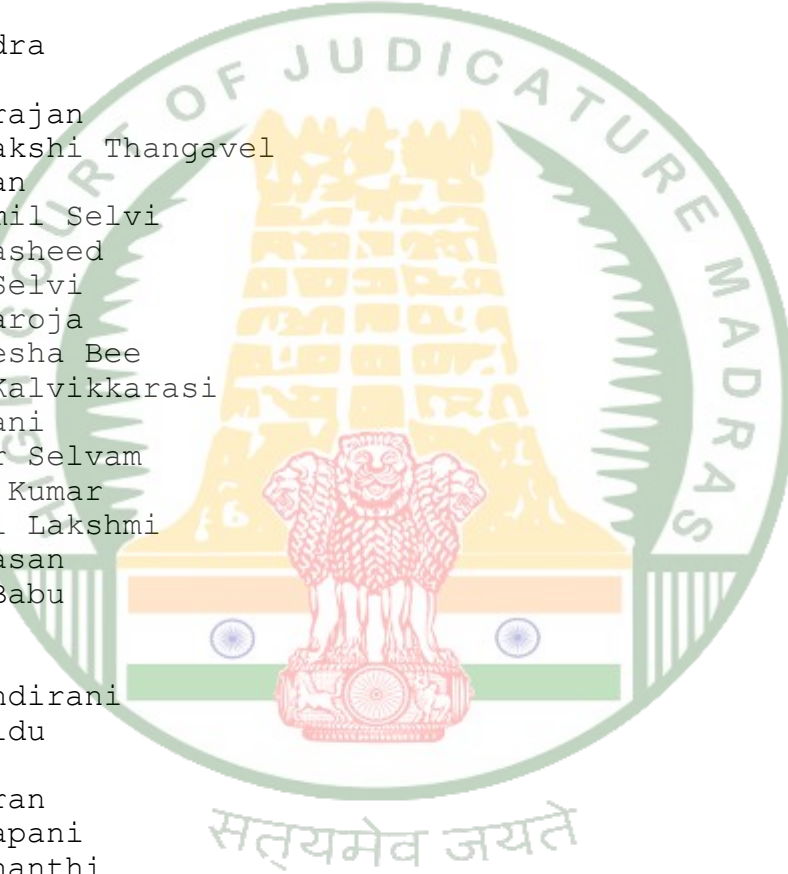
THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 9902 of 2009

and

M.P. 2 of 2009

1. P.Velayutham
2. R.Anandan
3. Tmt. Chandra
4. M.Kumar
5. S.Varadharajan
6. Tmt. Meenakshi Thangavel
7. J.Rajendran
8. Tmt. C.Tamil Selvi
9. A.Abdul Rasheed
10. Tmt. N. Selvi
11. Tmt. R.Saroja
12. Tmt. Ayesha Bee
13. Tmt. S. Kalvikkarasi
14. M.Kalaimani
15. K.Panneer Selvam
16. K.Veeran Kumar
17. Tmt. Adhi Lakshmi
18. R.Srinivasan
19. R.Durai Babu
20. G.Sankar
21. L.Selvam
22. Tmt. R.Indirani
23. Mannu Naidu
24. S.Sankar
25. T.Damodaran
26. K.Sarangapani
27. Tmt. S.Shanthi
28. S.Sampath
29. Tmt. Mari
30. Tmt. Vagilarani
31. Tmt. G.P.Kalaiselvi
32. V.Kabir Doss
33. V.Sarangan
34. R.Srinivasan
35. Tmt. V.Selvi
36. V.S.Veeraragavalu
37. Tmt. Valli
38. Tmt. Kalaiyarasi
39. P.K.Nagarajan



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40. K.Kannaiyan
41. Tmt. Vijayalakshmi
42. M.Selvaraj
43. K.S.Vadivelu
44. S.Natarajan
45. R.Gokul Raj
46. Tmt. Uma Durai
47. Tmt. Manjula
48. Tmt. Mohanambal
49. Tmt. Joshphin Dorathy
50. Tmt. Rukmani
51. N.Natarajan
52. K.Kanagaraj
53. Tmt. Issakiammal
54. G.P.Lenin

... Petitioners

Vs

1. The Collector,
Kanchipuram District,
Kanchipuram.
2. The Tahsildar,
Tambaram Taluk,
Tambaram,
Chennai-600 045.
3. The Chief Engineer,
Public Works Department (W.R.D.),
Chepauk, Chennai-600 005.
4. The Chief Engineer,
Highways & Rural Works
Department,
Chepauk, Chennai-600 005.
5. Alandur Municipality,
rep. by its Commissioner,
Chennai -600 016.
6. The Special Commissioner and
Director, rep. by its Adheenakartha,
Thiruvannamalai Adheenam,
Office at Hotel Karpagam,
South Mada Street,
Mylapore, Chennai-600 004.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 6th respondent to pass orders of the application

preferred by the petitioners dated 09.01.2009 by directing the 2nd respondent to issue patta to the petitioners for their respective occupation in S. No.104/1, T.S. No.2, E-Ward, Block No.16 of Adambakkam Village, Tambaram Taluk, Kanchipuram District.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.J.Ramesh, Addl. Govt.
Pleader for R1 to R4 & R6

Mr. G. Anantha Rangan for R5

Mr.V.Santhanam for R7

O R D E R

This Writ Petition has been filed seeking a direction directing the 6th respondent to pass orders on the application preferred by the petitioners dated 09.01.2009 by directing the 2nd respondent to issue patta to the petitioners for their respective occupation in S.No.104/1, T.S.No.2, E-Ward, Block No. 16 of Adampakkam Village, Tambaram Taluk, Kanchipuram District.

2. The case of the petitioners is that the petitioners are in possession of the land to the extent mentioned in annexure in Survey No.104/1, T.S.No.2, E-Ward, Block No.16 of Adambakkam Village, Tambaram Taluk, Kanchipuram District continuously for more than 50 years. The petitioners father became tenant under the 7th respondent. Originally, the property belongs to the 7th respondent Kundrakudi Thiruvannamalai Adheenam. After the enactment of Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, the lands were vested with the Government by G.O.Ms.No.401, Revenue department, dated 01.02.1963. The total extent of property, which was in possession of the 7th respondent was 256 acres in Survey No.401, Revenue Department, dated 01.02.1965. The 7th respondent either before the Act came into force or thereafter sold a major portion of the above said property to the persons, who were actually in possession. Originally, the entire area was classified as "Free Catchment Area". As per the records of the Public Works Department, there was a tank to the extent of 13.68.5 hectare and the same was reduced to 3.48.5 hectare. Though the land is classified as "Free Catchment Area", however, several transactions were made in between the persons, who have occupied earlier occasion and they have constructed a pucca house.

3. The petitioner has further averred that the occupants have filed an application before the Assistant Settlement Officer for issuance of patta as per the provisions of Tamil Nadu Minor Inams (Abolition and Conversion into Riotwari) Rules, 1965. Accordingly, the Assistant Settlement Officer has conducted enquiry and passed an order dated 22.06.2000 directing the 2nd respondent to grant patta. Following that, similarly situated persons including the petitioners have filed an application before the 6th respondent dated 05.08.2008 and the same was pending. As against inaction, the present Writ Petition has been filed.

4. Mr.S.Doraisamy, learned counsel appearing for the petitioners would submit that it would be sufficient to grant permission to the petitioners to file an appropriate application before the Assistant Settlement Officer for grant of ryotwari patta.

5. Mr.J.Ramesh, learned Addl. Government Pleader appearing for the 1st respondent would submit that if law permits, the petitioners may be permitted to file an appropriate application before the competent authority. Accordingly, he prayed to pass appropriate orders.

6. On considering the limited request made by the learned counsel appearing for the petitioners, I am inclined to grant permission to the petitioner to file an appropriate application before the competent authority in accordance with law.

7. With the above observation, the present Writ Petition stands disposed of. No costs. Consequently, the Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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To

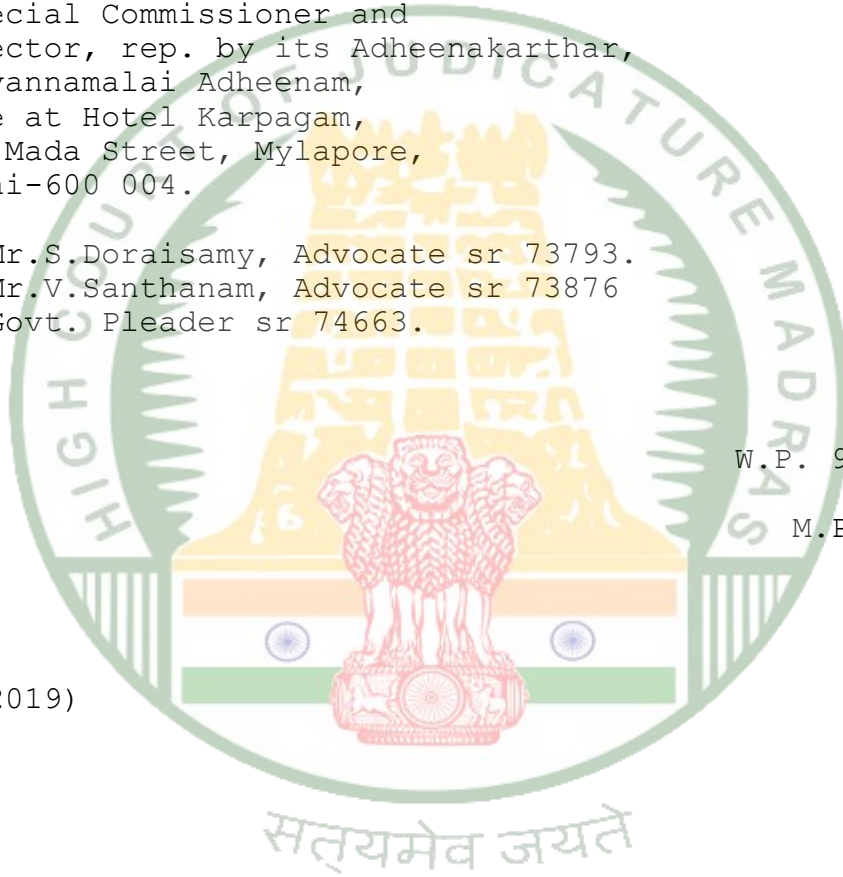
1. The Collector,
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Kanchipuram.
2. The Tahsildar,
Tambaram Taluk,
Tambaram, Chennai-600 045.

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3. The Chief Engineer,
Public Works Department (W.R.D.),
Chepauk, Chennai-600 005.
 4. The Chief Engineer,
Highways & Rural Works
Department, Chepauk, Chennai-5.
 5. The Commissioner, Alandur Municipality,
Chennai -600 016.
 6. The Special Commissioner and
Director, rep. by its Adheenakartha,
Thiruvannamalai Adheenam,
Office at Hotel Karpagam,
South Mada Street, Mylapore,
Chennai-600 004.
- +1 CC to Mr.S.Doraisamy, Advocate sr 73793.
+1 CC to Mr.V.Santhanam, Advocate sr 73876
+1 CC to Govt. Pleader sr 74663.

W.P. 9902 of 2009
and
M.P. 2 of 2009

MR (CO)
SP (03/10/2019)



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