

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29046 of 2010

C.Srinivasan

... Petitioner

Vs.

1.The Collector,
Tiruvallur District,
Tiruvallur.

2.The Tahsildar,
Ambattur Taluk,
Tiruvallur District.

3.N.Shanmugham
(R3 impleaded as per order
dated 27/9/2019 in MP.1/2011
in WP.29046/2010 by DKKJ)

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to give effect to their letter Ref.O.Mu.36348/2009/A.1 dated 25.11.2009 and consequently grant patta to the petitioner's property in No.43, Yesunathar Street, Kalaivanar Nagar, Padi, Chennai 50 in S.No.253/7 measuring to an extent of 2625 sq.feet.

For Petitioner : Mr.A.Jenasenan

For Respondents : Mr.R.S.Selvam for R1 and R2

Government Advocate

Mr.N.A.Nissar Ahmed for R3

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the first respondent to give effect to their letter Ref.O.Mu.36348/2009/A.1 dated 25.11.2009 and consequently grant patta to the petitioner's property in No.43, Yesunathar Street, Kalaivanar Nagar, Padi, Chennai 50, in S.No.253/7 measuring to an extent of 2625 sq.feet.

2.Heard the arguments advanced on either side.

3.The case of the petitioner is that the petitioner is the owner and in absolute possession of the property in Door No.43,

Yesunathar Street, Kalaivanar Nagar, Padi, Chennai 600 050 in S.No.253/7 measuring to an extent of 2625 sq.ft., for more than two decades. The said land has been classified as 'grama natham'. The petitioner has put up a temporary residential construction in the said property and the same has been levied with house tax by the Ambattur Municipality, which has been duly paid by the petitioner.

4.It is the further case of the petitioner that the Land Encroachment Act or Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act cannot be invoked in respect of 'grama natham' property occupied by general public. The petitioner made representation dated 04.11.2009 to the first respondent seeking issuance of patta to his property and the first respondent vide letter dated 25.11.2009 informed the petitioner that work has been initiated to grant patta in relation to the 'grama natham' land in Ambattur Municipality and that the petitioner's request will be granted in due time. Since there was no response thereafter, the petitioner again sent a representation dated 25.10.2010 to the first respondent and since the same has not yet been considered, has come forward with this writ petition.

5.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 25.10.2010 and to pass appropriate orders.

6.The learned Government Advocate appearing for the respondents 1 and 2 as well as the learned counsel appearing for the third respondent would submit that the property is classified as 'natham land' and the petitioner is occupying in that land and would further submit that no Revenue Official has power to grant patta.

7.The learned Government Advocate would further submit that the petitioner's representation would be considered in accordance with law after giving opportunity to the aggrieved persons.

8.Considering the limited request made by the learned counsel appearing for the petitioner, I am inclined to issue direction to the respondents to consider the petitioner's representation dated 25.10.2010, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. For ready reference, the petitioner is directed to send a copy of

the representation dated 25.10.2010 along with a copy of this order to the respondents to enable the respondents to pass appropriate orders.

9.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Collector,
Tiruvallur District,
Tiruvallur.

2.The Tahsildar,
Ambattur Taluk,
Tiruvallur District.

+1 cc to M/s.A.Nissar Ahmed,Advocate Sr.No. 94938

+1 cc to The Government Pleader Sr.No. 95146

AKM/20.12.19/3P-5C /

W.P.No.29046 of 2010

सत्यमेव जयते
WEB COPY