



IN THE HIGH COURT OF JUDICATURE AT MADRAS

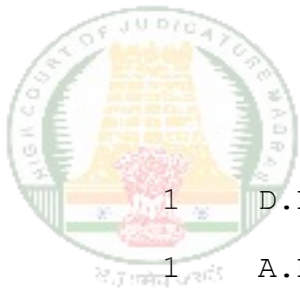
DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.1311 to 1346 of 2014
and W.P.2757 of 2014

1	R.PARAMESWARAN	... PETITIONER in WP No.1311 of 2014
1	S.JAYAPRAKASH	... PETITIONER in WP No.1312 of 2014
1	V.NANDHINI	... PETITIONER in WP No.1313 of 2014
1	J.LALITHA	... PETITIONER in WP No.1314 of 2014
1	R.ANANDANAYAKI	... PETITIONER in WP No.1315 of 2014
1	S.SENTHAMARAI SELVI	... PETITIONER in WP No.1316 of 2014
1	M.JAYANTHI	... PETITIONER in WP No.1317 of 2014
1	S.JAYAPRAKASH	... PETITIONER in WP No.1318 of 2014
1	K.SRINIVASAN	... PETITIONER in WP No.1319 of 2014
1	R.DESIKAN	... PETITIONER in WP No.1320 of 2014
1	M.SAMPATHKUMAR	... PETITIONER in WP No.1321 of 2014
1	A.SHYAMKUMAR	... PETITIONER in WP No.1322 of 2014
1	R.JAYALAKSHMI	... PETITIONER in WP No.1323 of 2014
1	V.DURGASALAM	... PETITIONER in WP No.1324 of 2014
1	D.CHITRA	... PETITIONER in WP No.1325 of 2014
1	A.SELVARAJ	... PETITIONER in WP No.1326 of 2014
1	M.RAMANIAMMAL	... PETITIONER in WP No.1327 of 2014



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1 D.RUCKMANI ... PETITIONER in WP No.1328 of 2014
1 A.K.KUPPUSAMY ... PETITIONER in WP No.1329 of 2014
1 M.RAMACHANDRAN ... PETITIONER in WP No.1330 of 2014
1 R.RUCKMANI ... PETITIONER in WP No.1331 of 2014
1 D.VELLADURAI ... PETITIONER in WP No.1332 of 2014
1 A. SELVARAJ ... PETITIONER in WP No.1333 of 2014
1 B.VIJAYAKUMAR ... PETITIONER in WP No.1334 of 2014
1 K.PALANI ... PETITIONER in WP No.1335 of 2014
1 A.B.KANNAIYAN ... PETITIONER in WP No.1336 of 2014
1 N.G.VAIJAYANTHIMALA ... PETITIONER in WP No.1337 of 2014
1 S.SUBATHRA ... PETITIONER in WP No.1338 of 2014
1 K.DEVARAJAN ... PETITIONER in WP No.1339 of 2014
1 A.SHANKAR ... PETITIONER in WP No.1340 of 2014
1 K.SOODIKODUTHA NACHAIYAR ... PETITIONER in WP No.1341 of 2014
1 K.SENTHAMARAI ... PETITIONER in WP No.1342 of 2014
1 D.KUPPUSWAMY ... PETITIONER in WP No.1343 of 2014
1 S.VISWANATHAN ... PETITIONER in WP No.1344 of 2014
1 K.CHELLAKANI ... PETITIONER in WP No.1345 of 2014



1 K.CHELLAKANI

1 S.RAVI

... PETITIONER in WP No.1346 of 2014

... PETITIONER in WP No.2757 of 2014

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VS

1 THE PRINCIPAL SECRETARY AND
COMMISSIONER OF LAND ADMINISTRATION,
CHEPAUK, CHENNAI-5.

2 THE DISTRICT COLLECTOR,
KANCHEEPURAM DISTRICT,
KANCHEEPURAM.

3 ARULMIGU SURIYAMMAN THIRUKKOILGAL,
PAMMAL, CHENNAI -600 075
REP. BY DHARMAKARTHA.

4 THE TAHSILDAR
PALLAVARAM MUNICIPAL CORPORATION,
CHROMPET, CHENNAI-044.

5 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT, MAHATMA GANDHI ROAD,
NUNGAMBAKKAM, CHENNAI-600 034.

... RESPONDENTS in WP No.1311 of 2014

1 THE PRINCIPAL SECRETARY AND
COMMISSIONER OF LAND ADMINISTRATION,
CHEPAUK, CHENNAI-5.

2 THE DISTRICT COLLECTOR,
KANCHEEPURAM DISTRICT,
KANCHEEPURAM.

... RESPONDENTS 1 AND 2 IN W.P.NOS.
1312 TO 1346/2014
AND 2757 OF 2014

3 ARULMIGU SURIYAMMAN THIRUKKOILGAL,
PAMMAL, CHENNAI-75.

...R3 IN W.P.NO.1312 OF 2014



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4 ARULMIGU ARKKEESWARAR THIRUKKOILGAL,
/ARULMIGU ARKKEESWARAR VAGAIYARA THIRUKOILGAL
(PIDARI AMMAN, SIDHALAMMAN, GANGAIAMMAN)
PAMMAL, CHENNAI-75.

... RESPONDENT NO.3 IN
W.P.NOS.1313 OF 2014 TO 1346 OF 2014
AND W.P.NO.2757 OF 2014

5 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT, MAHATMA GANDHI ROAD,
NUNGAMBAKKAM, CHENNAI-600 034.

(R4 impleaded vide order dated 11/4/2019 made in
M.P.No.2/2014 in W.P.Nos.1312 of 2014 to 1318, 1320 to 1325,
1327 to 1331, 1333 1336, 1337, 1339 to 1344, 1346 and 2757 of
2014))

...4th RESPONDENT in WP Nos.1312 of
2014 to 1318, 1320 to 1325,
1327 to 1331, 1333, 1336,
1337, 1339 to 1344, 1346
and W.P.No.2757 of 2014.

6 THE ASSISTANT ENGINEER,
TAMILNADU ELECTRICITY BOARD,
PAMMAL, CHENNAI- 75.

...4th RESPONDENT IN
W.P.NOS.1319/2014,1326, 1337,
1334, 1335, 1338 AND 1345 OF 2014

7 THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT, MAHATMA GANDHI ROAD,
NUNGAMBAKKAM, CHENNAI-600 034.

(5th Respondent impleaded vide order dated 11/4/2019 in
M.P.No.3 of 2014 in W.P.Nos.1319, 1326, 1332, 1334,1335, 1338
and 1345 of 2014)

...5TH RESPONDENT IN
W.P.NOS.1319/2014, 1326,
1337, 1334, 1335, 1338
AND 1345 OF 2014



Writ Petitions are filed under the Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus

WP No.1311 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 3648 sq.ft. comprised in Survey No.126/1 in Plot No.5, Door No.7/5, Old No.129, New No.100, Kanchi Munusamy Street, VOC Nagar, Pammal, Chennai-75.

WP No.1312 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 3162 sq.ft. comprised in Survey No.126/1 in Plot No.6, Old No.129, New No.100, Kanchi Munusamy Street, VOC Nagar, Pammal, Chennai-75.

WP No.1313 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 1200 sq.ft. comprised in Survey No.126/1 in Plot No.8-A, Door No.2, Kanchi Munusamy Street, VOC Nagar, Pammal, Chennai-75.

WP No.1314 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 2500 sq.ft. comprised in Survey No.126/1 in Door No.4-A, Rajangam Street, VOC Nagar, Pammal, Chennai-75.

WP No.1315 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner



land measuring an extent of 3648 sq.ft. comprised in Survey No.126/1 in No.2/6, Kanchi Munusamy Street, VOC Nagar, Pammal, Chennai-75.

WP No.1316 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 3000 sq.ft. comprised in Survey No.126/1 in Plot No.6, Door No.1, Sinthalamman Koil Street, VOC Nagar, Pammal, Chennai-75.

WP No.1317 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/1 dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 1540 sq.ft. comprised in Survey No.126/1 in Door No.4, Rajendra Prasad Street, VOC Nagar, Pammal, Chennai-75.

WP No.1318 of 2014:

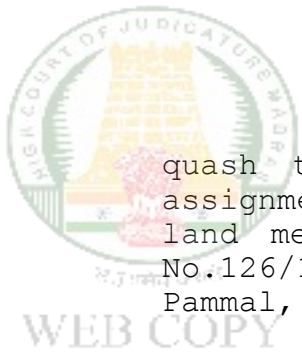
Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 2867 sq.ft. comprised in Survey No.126/1 in Plot No.4, Old No.129, New No.100, VOC Nagar, Kanchi Munusamy Street, Pammal, Chennai-75.

WP No.1319 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 1500 sq.ft. comprised in Survey No.126/1 in Plot No.8, Old No.11, New No.12, Seethalai Sathanar Street, Pammal, Chennai-75.

WP No.1320 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and



quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 2700 sq.ft. comprised in Survey No.126/1 in Plot No.9, Kanchi Munusamy Street, VOC Nagar, Pammal, Chennai-75.

WP No.1321 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 3200 sq.ft. comprised in Survey No.126/1 in Plot No.7, New D.No.3, Kanchi Munusamy Street, VOC Nagar, Pammal, Chennai-75.

WP No.1322 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 3250 sq.ft. comprised in Survey No.126/1 in Plot No.8 and 9, Door No.3A, Sinthalamman Koil Street, VOC Nagar, Pammal, Chennai-75.

WP No.1323 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/1 dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 5347 sq.ft. comprised in Survey No.126/1 in Door No.3, Rajangam Street, VOC Nagar, Pammal, Chennai-75.

WP No.1324 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/1 dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 2730 sq.ft. comprised in Survey No.126/1 in Door No.1, Sinthalamman Koil Street, VOC Nagar, Pammal, Chennai-75.



WP No.1325 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/1 dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 2500 sq.ft. comprised in Survey No.126/1 in Door No.4-A, Rajangam Street, VOC Nagar, Pammal, Chennai-75.

WP No.1326 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/1 dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 2300 sq.ft. comprised in Survey No.126/1 in Plot No.27, Door No.1, Seethalai Sathanar Street, VOC Nagar, Pammal, Chennai-75.

WP No.1327 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/1 dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 1330 sq.ft. comprised in Survey No.126/1 in Door No.8, Sinthalamman Koil Street, VOC Nagar, Pammal, Chennai-75.

WP No.1328 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 1850 square feet comprised in Survey No. 126/1 in Door No.2, Suriyamman Koil Street, V.O.C. Nagar, Pammal, Chennai 75.

WP No.1329 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 1740 square feet comprised in Survey No. 126/1 in Plot No.4, Door No.5-A, Suriyamman Street, V.O.C. Nagar, Pammal, Chennai 75.



WP No.1330 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 2208 square feet comprised in Survey No. 126/1 in Door No.4, Seethalai Sathanar Street, V.O.C. Nagar, Pammal, Chennai 75.

WP No.1331 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring a total extent of 1000 square feet comprised in Survey No. 126/1 in Plot No.8, Door No.13, Sinthalamman Koil Street, V.O.C. Nagar, Pammal, Chennai 75.

WP No.1332 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring a total extent of 1350 square feet comprised in Survey No. 126/1 in Plot No.4, Door No.2, Sinthalamman Koil Street, V.O.C. Nagar, Pammal, Chennai -600 075.

WP No.1333 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 1715 square feet comprised in Survey No. 126/1 in Door No.10, Rajangam Street, V.O.C. Nagar, Pammal, Chennai 75.

WP No.1334 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 1750 square feet comprised in Survey No. 126/1 in Door No.2, Seethalai Sathanar Street, V.O.C. Nagar, Pammal, Chennai 75.



WP No.1335 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 2000 square feet comprised in Survey No. 126/1 in Door No.8, Seethalai Sathanar Street, V.O.C. Nagar, Pammal, Chennai 75.

WP No.1336 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 1300 square feet comprised in Survey No. 126/1 in Plot No.22, Old Door No.6, New Door No.7, Rajangam Street, V.O.C. Nagar, Pammal, Chennai 75.

WP No.1337 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 1485 square feet comprised in Survey No. 126/1 in Old Door No.7, New Door No.8, Rajangam Street, V.O.C. Nagar, Pammal, Chennai 75.

WP No.1338 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 2745 square feet comprised in Survey No. 126/1 in Door No.10, Seethalai Sathanar Street, V.O.C. Nagar, Pammal, Chennai 75.

WP No.1339 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 2880 square feet comprised in Survey No. 126/1 in Door No.5, Rajangam Street, V.O.C. Nagar, Pammal, Chennai 75.



WP No.1340 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 1260 square feet comprised in Survey No. 126/1 in Door No.3, Sinthalamman Koil Street, V.O.C. Nagar, Pammal, Chennai 75.

WP No.1341 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 2201 square feet comprised in Survey No. 126/1 in Door No.2, Rajangam Street, V.O.C. Nagar, Pammal, Chennai 75.

WP No.1342 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 2745 square feet comprised in Survey No. 126/1 in Door No.10, Seethalai Sathanar Street, V.O.C. Nagar, Pammal, Chennai 75.

WP No.1343 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 2450 sq.ft. comprised in Survey No.126/1 in Door No.11, Seethalai Sathanar Street, VOC Nagar, Pammal, Chennai-75.

WP No.1344 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 440 sq.ft. comprised in Survey No.126/1 in Door No.1, Sinthalamman Koil Street, VOC Nagar, Pammal, Chennai-75.



WP No.1345 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioner land measuring an extent of 1575 sq.ft. comprised in Survey No.126/1 in Door No.4, Sinthalmman Koil Street, VOC Nagar, Pammal, Chennai-75.

WP No.1346 of 2014:

calling for the records of the 2nd respondent in his proceedings in Na. Ka. No. 9190/2013/N/1 dt 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 1625 square feet comprised in Survey No. 126/1 in Door No.2, Sinthalamman Koil Street, V.O.C. Nagar, Pammal, Chennai 75.

WP No.2757 of 2014:

Calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.9190/ 2013/ N/I dated 5.4.2013 and quash the same and further direct the respondents to grant assignment of land and issue residential patta to the petitioners land measuring an extent of 440 sq.ft. comprised in Survey No.126/1 in Door No.1, Sinthalamman Koil Street, V.O.C. Nagar, Pammal, Chennai-75.

For Petitioner
in all the above WPs : Mr.M.Krishnappan,
Senior counsel
for Mr.V.Srinivasa Babu

For Respondents 1 & 2 : Mr.S.T.S.Moorthy,
in all the above W.Ps Additional Advocate General
Assisted by
Mr.V.Shanmuga Sundar
Special Government Pleader
for Official respondents
for R1 and R2.

R3 in W.P.Nos.1311 & 1312/2014:Mr.V.Srikanth for R3-Temple
R4 in W.P.Nos.1311 & 1312/2014: Mr.M.Maharaja,
Spl.G.P., for R4.
For Pallavaram Municipality Corporation



COMMON ORDER

The above Writ Petitions are filed seeking to quash the order of the 2nd respondent dated 05.04.2013 and to direct the respondents to grant assignment of land and issue residential patta to the petitioner's land measuring an extent of 3648 square feet comprised in Survey No.126/1 in Plot No.5, Door No.7/5, Old No.129, New No.100, Kanchi Munusamy Street, V.O.C.Nagar, Pammal, Chennai-600 075.

2. It is averred in the affidavit filed in support of the Writ Petitions that the lands comprised in S.No.126/1 of Pammal Village, measuring a total extent of 5.52.5 hectares was originally belonged to the family of Samarapuri Gramani. The said lands were divided into Housing sites by the said Samarapuri Gramani and his son Vedachalam. It is further submitted that totally 2 acres occupied by the petitioners.

3. It is the case of the Petitioner in W.P.No.1311 of 2014 that the Petitioner's Predecessor-in-title viz., Lalitha Kumar purchased Plot No.5, measuring an extent of 3648 square feet by Registered Sale deed dated 07.01.1970 vide Document No.22 of 1970 in S.R.O.Pallavaram. The said Lalitha Kumar sold Plot No.5 in favour of one K.P.Rajagopalan, by Sale Deed dated 04.06.1986, vide Document No.1751 of 1986, S.R.O.Pallavaram, and from whom the Petitioner has purchased the land together with residential building by Registered Sale Deed dated 05.01.1996 vide Document No.57 of 1996 at S.R.O.Pallavaram, after getting legal opinion.

4. Thus, the petitioners had purchased their respective Plots in the Survey Numbers mentioned and become the absolute owner of the aforesaid plots situated in VOC Nagar, Pammal, Chennai-75.

5. The Petitioners have obtained planning permission from the Executive Officer, Pammal Town Panchayat, and constructed the residential buildings. Accordingly, after completion of construction of houses, the Petitioners are living with their family. The Pammal Town Planning Authority assessed the building and collected property tax periodically from the year 1996.

6. The Petitioners made a representation to the respondents on 12.03.2013 for assignment of lands based on the purchase of the plots, by way of execution of sale deed. The 2nd respondent has rejected the claim of the petitioners stating that the said land is Government poramboke land and recorded under Third respondent Temple. Hence for the said koil poramboke land, residential patta cannot be issued. Challenging the said impugned order, the writ Petitions are filed.



7. According to the learned Senior counsel appearing for the Petitioners, the subject lands are Government Poramboke land. Therefore, the respondents 1 and 2 can be directed to consider the request of the Petitioners by taking note of the fact that the Petitioners are in continuous possession of the said property and put up building in the aforesaid property.

8. The learned Additional Advocate General appearing for the respondents would submit that the second respondent-District Collector, Kancheepuram District, on verification of records, had categorically pointed out that the subject land is a temple poramboke land and the claim of the petitioners was rejected by stating that for koil poramboke land, residential patta cannot be issued.

9. The learned counsel appearing for the 3rd respondent, by filing counter affidavit, would submit that the land in Survey No.126/1 to an extent of 5.52.5 hectares has been in continuous possession and enjoyment of the Petitioners and in the revenue records, the said land is classified as temple poramboke land. It is further stated that the said temple has already applied to the authorities concerned to grant patta in the name of the said temple in respect of the above land. Further, it is submitted that the said temple is entitled for the patta for the temple poramboke land under Revenue Standing Order 26, Clause 13 and the same has been recommended by Tahsildar in R.C.No.1853/1995 C1 dated 20.02.1995 which is under the consideration of the 2nd respondent. Thus, the learned counsel appearing for the 3rd respondent would submit that the Petitioners have no legal right to seek assignment of land in favour of the writ petitioners.

10. Heard the learned counsel appearing for the Petitioners and Respondents 1 to 5 and perused the materials on record.

11. The learned Senior counsel appearing for the writ petitioners would submit that the property in possession of the Writ Petitioners, is in fact, Government Poramboke lands. He further submits that even though, the petitioners cannot claim any legal right for grant of assignment of patta over the said lands, in view of the fact that the Writ Petitioners are in continuous possession of the property and constructed building only on obtaining approval from the authorities concerned and living with their families, so that their request for grant of house site pattas, can be considered sympathetically.

12. The learned Additional Advocate General would reiterate his submissions that in the light of the revenue records, the claim of the Petitioners for assignment of house site pattas



cannot be granted and it is mainly because as per the rules, grant of assignment patta in respect of any Government Land within the radius of 1 1/2 to 5 kilometres depending on the population of the village or town, and in the case on hand, the said temple situate in Survey No.126/1 in the township itself. However, the learned Additional Advocate General would submit that if any representation is received from the petitioners before granting any patta in favour of the 3rd respondent, an opportunity would be granted to the petitioners to consider their case sympathetically for grant of patta, in accordance with law.

13. The learned Senior counsel appearing for the Petitioners would submit that it is suffice if the respondents grant opportunity to the Petitioners and consider their claim, in accordance with law.

14. Accordingly, taking into consideration the facts and circumstances of the case and the submissions made on both sides, the following directions are issued:-

(1) The 2nd respondent-District Collector, Kancheepuram District, is directed to consider the recommendation made by the Tahsildar in R.C.No.1853/1995 C1 dated 20.02.1995 and pass appropriate orders as expeditiously as possible, preferably, within 12 weeks from the date of receipt of a copy of this order.

(2) It is made clear that before passing orders, an opportunity shall be granted to the writ petitioners to put forth their case and to make request and thereafter, consider the same sympathetically for grant of patta, in accordance with law.

(3) In the light of the above directions, this court is of the considered view that the impugned order passed by the 2nd respondent dated 05.04.2013 requires no modification or interference.

(4) The writ petitions are disposed of with the above directions. No costs. Connected WMPs are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



nvsri

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- To
- 1.The Principal and Secretary
and Commissioner of Land Administration
Chepauk, Chennai-600 005.
 - 2.The District Collector
Kancheepuram District
Kancheepuram.
 - 3.The Tahsildar
Pallavaram Municipal Corporation
Chrompet, Chennai-600 044.
 - 4.The Assistant Engineer,
Tamil Nadu Electricity Board,
Pammal, Chennai-600 075.
 - 5.The Commissioner
Hindu Religious & Charitable Endowment
Department, Mahatma Gandhi Road
Nungambakkam, Chennai-600 034.

+74 cc to M/s.M.Nalini, Advocate SR.36591 to 36627, 37173 to
37186 of 2019 and 37200 to 37222 of 2019

+1cc to the Government Pleader Sr.36350

W.P.Nos.1311 to 1346 of 2014
& WP.2757 of 2014

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srg 10/09/2019