

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8486 of 2016

A.Govindaraj

.. Petitioner

-vs-

1. The Addl. Chief Secretary/Commissioner
of Land Administration
II Floor, Ezhilagam
Chepauk, Chennai 600 005

2. The District Revenue Officer
Tiruvallur District
Tiruvallur

3. The Tahsildar
Tiruvallur Taluk & District
Tiruvallur

.. Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's request for grant of patta for the lands in S.No.1/3 Puliyur Village as directed by the first respondent in his proceedings letter No.K1/34338/2014 dated 29.12.2014 on merit and pass order within a time frame after affording an opportunity of personal hearing to the petitioner.

For Petitioner :: Mr.C.Srikanth

For Respondents :: Mrs.P.Rajalakshmi
Additional Government Pleader

ORDER

Mr.A.Govindaraj, S/o Abimanan has filed this writ petition under Article 226 of the Constitution of India seeking issuance of a mandamus directing the District Revenue Officer, Tiruvallur, the second respondent herein to consider his request for grant of patta for the land covered in Survey No.1/3, Puliyur Village as directed by the Additional Chief Secretary/Commissioner of Land Administration, Chennai, the first respondent herein in his proceedings bearing

No.K1/34338/2014 dated 29.12.2014 on merits and pass orders after affording an opportunity of personal hearing to the petitioner.

2. Mrs.P.Rajalakshmi, learned Additional Government Pleader for the respondents, referring to the order dated 8.4.2015 passed by the District Revenue Officer, Tiruvallur bearing Rc.No.15209/2014/B3, stated that when the Additional Chief Secretary to Government and the Commissioner of Land Administration in Letter No.K1/34338/2014 dated 29.12.2014 had already requested the District Revenue Officer, Tiruvallur to examine the records prior to and after the UDR scheme to ascertain whether the land is a patta land before the UDR scheme and wrongly recorded as Anadheenam in UDR scheme with a further instruction that if the land is Anadheenam land even before the UDR scheme, the land has to be restored to its original classification by cancelling the patta issued by the then Assistant Settlement Officer and Tahsildar. In deference to the same, the District Revenue Officer, Tiruvallur examined the revenue records and finally came to the conclusion that the land under reference is classified as Anadheenam land even before the UDR scheme. Consequently, the order passed by the Tahsildar, Tiruvallur dated 3.12.2012 issuing patta in the name of Thiru Srinivasan, Managing Trustee, Vivekananda Educational Trust based on the order of the then Assistant Settlement Officer, Tiruvannamalai dated 23.7.2000 in favour of Vivekananda Educational Trust represented by its Managing Trustee covered in Survey No.1/3 of Puliyur Village, Tiruvallur having an extent of 2.86 acres, were cancelled. Subsequently, the changes made in the computerized land records so far as Survey No.1/3 of Puliyur Village, Tiruvallur measuring 2.86 acres under patta no.430 is concerned, were also cancelled. Finally the classification of Survey No.1/3 of Puliyur Village, Tiruvallur Taluk measuring 2.86 acres has been ordered as Anadheenam land in the revenue records. In that view of the matter, the petitioner has to work out his remedy by questioning the reasoning and conclusion reached by the District Revenue Officer, Tiruvallur. Hence, the present writ petition is not maintainable, she pleaded.

3. I fully agree with the submissions made by the learned Additional Government Pleader for the respondents. The reason being that when the patta for the land in question was given in favour of Vivekananda Educational Trust represented by its Managing Trustee vide the order dated 23.7.2000 passed by the then Assistant Settlement Officer, Tiruvannamalai bearing K.Dis.No.793/2000, the petitioner, Mr.Govindaraj has questioned the same by filing a revision petition before the District Revenue Officer, Tiruvallur. The District Revenue Officer, Tiruvallur also, keeping in mind the direction issued by the Additional Chief Secretary to Government and the Commissioner of

Land Administration, Chennai in Letter No.K1/34338/2014 dated 29.12.2014, has restored the classification of the land in question as Anadheenam in the revenue records. Moreover, it was also brought to my notice that the petitioner's paternal uncle Mr.Thulukanam was in possession of the land in question as per the adangal record issued for the year 1988. Since this has been also cancelled and the land in question has been restored as Anadheenam land in the revenue records, it is for the petitioner to work out his remedy in the manner known to law. With this observation, the writ petition stands dismissed. No costs.

The Secretary, Tamil Nadu State Legal Services Authority is directed to pay a fee of Rs.5,000/- to the learned counsel for the petitioner for assisting the Court.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1. The Addl. Chief Secretary/Commissioner
of Land Administration
II Floor, Ezhilagam
Chepauk
Chennai 600 005
2. The District Revenue Officer
Tiruvallur District, Tiruvallur
3. The Tahsildar
Tiruvallur Taluk & District
Tiruvallur
4. The Secretary
Tamil Nadu State Legal
Services Authority
Chennai 600 104

+1cc to Mr.A.Govindaraj P in P, Advocate SR.No.82575

+1cc to Mr.A.Jenasenan, Advocate SR.No.82517

+1cc to Government Pleader SR.No.83179

W.P.No.8486 of 2016

RSV(CO)
GMY(04/11/2019)