

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.10.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.22585 of 2019

S.Logammal,
W/o.Late Subhramani,
Perumal Kovil Street,
Ayilacheri Village,
Thiruvallur District & Taluk.

... Petitioner

/versus/

1. The District Collector,
District Collectorate,
Thiruvallur District - 602 001.

2. The Tahsildar,
Thiruvallur District - 602 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, to direct the 2nd respondent herein to grant patta in Survey No.129/1 in Ayilacheri Village, Thiruvallur District, within a stipulated period based on the representations dated 03.07.2019.

For Petitioner : Mr.N.Suriya Muthu

For R1 & R2 : Mr.K.Ravi Kumar
Additional Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader for the Respondents 1 & 2.

2. This Writ Petition is filed seeking patta in S.No.129/1, Ayilacheri Village, Tiruvallur District. According to the petitioner, she is residence of the said Village. In the said survey number, the land at measuring 4160 sq.ft and since the house got damaged, she shifted her residence to a rented premises in the same Village. While so, the Revenue Authorities granted patta to her neighbours but failed to give patta to her. Hence, she made representation to the Tahsildar, Thiruvallur

District, on 03.07.2019 for grant of patta. Since there is no reply, the present Writ Petition has been filed seeking Writ of Mandamus to direct the 2nd respondent herein to grant patta in S.No.129/1 in Ayilacheri Village, Thiruvallur District.

3. In the counter filed by the 2nd respondent, it is stated that the petitioner never been in occupation in S.No.129/1 in the said village. The said land of S.No.129/1 is classified as Gramanatham. Several peoples who are in occupation, after constructing their residence were granted patta. Whereas, the petitioner herein was neither residing in that village nor occupying in the said survey number. In fact, enquiry reveals that she is having vacant site in S.No.129/24 to an extent of 700 sq.mts in the very same village. Hence, her request for assignment of patta to 4160 sq.mts of land in S.No.129/1 could not be entertained more particularly, when the land in the particular survey number is not in occupation of the petitioner but occupied by few other persons for whom patta has been granted, after enquiry.

4. Now the remaining portion in the said survey number is only 50 sq.mts of land which is classified as "Pathway Poramboke". Only persons who have records for 30 years to prove their settlement in the natham area were assigned patta as per Revenue Standing Order, the petitioner herein doesn't fall under the said category.

5. The records relied by the petitioner to seek assignment of land in S.No.129/1 is Tax receipt of the year 2002 to 2007. This Tax receipts does not indicate anything about the exact property for which tax paid by the petitioner. Furthermore, the death certificate of the petitioner's husband indicates that the petitioner and her family were resident at Mylapore, Chennai. This is also corroborated from the address shown in the tax receipts relied by the petitioner. While so, the petitioner is not entitled for patta in S.No.129/1, since there is no proof for her occupation or residence in the said survey number.

6. With the above observation, the Writ Petition is dismissed. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

bsm

To

1. The District Collector,
District Collectorate,
Thiruvallur District - 602 001.
2. The Tahsildar,
Thiruvallur District - 602 001.

+1 CC to Mr.N.Suriyamuthu, Advocate sr 86951
+1 CC to The Govt. Pleader sr 87352.

W.P.No.22585 of 2019

BR(CO)
SP(19/11/2019)