

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K. KALYANASUNDARAM

W.P.No.7793 of 2017

K.Saraswathy

...Petitioner

vs.

1. The Commissioner
Chennai Metropolitan Development Authority
Chennai.
2. The District Collector
Chennai District,
Chennai.
3. The Tahsildar
Taluk Office
Velacherry Zone
Chennai-600 113.
4. The Principal Secretary/Managing Director,
Tamil Nadu Slum Clearance Board,
Triplicane, Chennai.

R4 impleaded as per order dated 04.07.2018
in W.P.No.7793 of
2017.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in A1/8316/2016 dated 26.12.2016 issued by 3rd respondent to quash the same and direct the 3rd respondent to issue patta in favor of petitioner.

For Petitioner : Mr.A.Muruganandam

For Respondents : Mr.Karthik Rajan
Standing Counsel for R1
Mr.D.Suriyanarayanan,
Additional Government Pleader R2& R3

Mr.S.Prabhu
Standing Counsel for R4

O R D E R

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus to quash the order of the third respondent, dated 26.12.2016, by which, the request of the petitioner for issuance of patta was rejected and to direct the third respondent to issue patta in favour of the petitioner.

2. The petitioner would state that she has been residing at Door No.50/18-1, Throwpathy Amman Koil 1st Street, Velachery, Chennai for more than 24 years and the Plot No.40 was allotted in her favour by the Slum Clearance Board and the sale deed was also executed for the land measuring to an extent of 169 sq.mts. The petitioner applied for issuance of patta in her favour and the same was rejected, on the ground that the land has been classified as "big lake" (Peria Eri).

3. The third respondent has filed a detailed counter, stating that the land in which the petitioner seeking patta is classified as "Sarkar Poramboke". The Government issued G.O.Ms.No.653, Revenue Department, dated 05.12.2005 for alienation of land in favour of the Tamil Nadu Slum Clearance Board for an extent of 13.95 acres in Velachery Periya Eri for implementation of Lakshmi Nagar Scheme. The Slum Clearance Board has entered into lease-cum-sale agreement with the petitioner, vide Document No.3560 of 2014 and the plot No.40 in Lakshmipuram Scheme Area, Velachery, was allotted in pursuance of the order passed in W.P.No.20054 of 2013.

4. It is further stated in the counter that during the North-east Monsoon in the year 2015, Chennai City, Kancheepuram and Thiruvallur Districts suffered heavy human loss, damages to the public and private properties. Consequent to heavy flood in the water-ways in the three Districts. The Hon'ble Apex Court and the High Court have delivered various judgments not to alienate, transfer or lease the lands classified as "Water-Source" and in view of the classification, the third respondent is not competent to change the classification of the land and grant patta.

5. The learned counsel for the petitioner would argue that the Tamil Nadu Slum Clearance Board has given their consent for transfer of patta and other revenue records are in favour of the petitioner, however, the third respondent without considering the fact, illegally rejected the application.

6. Heard the learned counsel on either side and perused the materials available on record.

7. In the matter on hand, though the Government has transferred the land in favour of the Tamil Nadu Slum Clearance Board, but in the revenue records, it has been classified as "Sarkar Poramboke" and usage as "Peri Eri". Learned Standing Counsels appearing on behalf of the respondents brought to the knowledge of this Court that the damages caused to the private and public properties during the floods in 2015 North-east monsoon.

8. Taking note of the above facts , I find no illegality in the order impugned in the Writ Petition. In that view, the Writ Petition fails and the same is dismissed. There is no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssb

To

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Chennai Metropolitan Development Authority
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3. The Tahsildar
Taluk Office
Velacherry Zone
Chennai-600 113.
4. The Principal Secretary/Managing Director,
Tamil Nadu Slum Clearance Board,
Triplicane, Chennai.

+1cc to Mr.S.Prabhu, Advocate SR.69686
+1cc to Mr.A.Muruganandam, Advocate SR.69503
+1cc to the Government Pleader SR.69788

W.P.No.7793 of 2017

PPA(CO)
CB(15/10/2019)