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In the High Court of Judicature at Madras

Dated : 12.12.2019

Coram :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.24126 of 2017 & WMP.No.25480 of 2017

1.M.Mohana
2.K.Amutha
3.A.Prabhu
4.R.Manjula

...Petitioners

Vs

1.The Additional Chief Secretary &
Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai-5.

2.The District Revenue Officer,
Thiruvallur, Thiruvallur District.

3.The Tahsildar, Madhavaram Taluk,
Thiruvallur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondents culminating in the common impugned order in reference No.K4/ 24890/2015 dated 22.12.2016 passed by 1st respondent dismissing the appeals filed by the writ petitioners seeking issuance of patta in favour of 1st writ petitioner for an extent of 29.35 cents, in favour of 2nd writ petitioner for an extent of 01.32 acres, in favour of 3rd writ petitioner for an extent of 1.04 acre and in favour of 4th writ petitioner for an extent of 54.16 cents respectively in respect of survey No.31 situates in Payasampakkam Village, Madhavaram Taluk, Thiruvallur District, quash the same and direct the respondents to issue patta in the name of the writ petitioners.

For Petitioners :Mr.S.M.Hameed Mohideen

For Respondents :Mr.N.Srinivasan, AGP



ORDER

I have heard Mr.S.M.Hameed Mohideen, learned counsel for the petitioners and Mr.N.Srinivasan, learned Additional Government Pleader appearing for the respondents.

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2. The petitioners are aggrieved by the order passed by the first respondent dated 22.12.2016, by which, the appeal petitions filed by the petitioners challenging the order passed by the second respondent dated 07.9.2015, were rejected.

3. The petitioners purchased a portion of the land admeasuring 4.76 acres comprised in survey No.31, Payasampakkam village, Madhavaram Taluk, Thiruvallur District. After purchase, the petitioners approached the second respondent herein requesting to grant patta. The petitions were returned with an endorsement that even prior to the Updating Registry (UDR) Scheme, the land in question has been classified as a Government Tharisu, that he has been empowered by the Government under G.O.Rt.No.385 Revenue dated 17.8.2004 only to make corrections in the revenue entries made under the UDR Scheme and that he cannot do anything in respect of the entries, which were prevailing prior to implementation of the UDR Scheme.

4. Aggrieved by that, the petitioners filed appeals before the first respondent. The first respondent considered the documents filed by the petitioners and found that no patta was granted to the petitioners' vendors. A copy of the adangal produced by the petitioners showing the names of one Ms.Kanniyammal and one Ms.Duraiammal was also pressed into service. The first respondent examined those documents and rendered a finding that their names were found in the adangal, that it shows them only as occupiers and that no patta was issued in their names or their predecessors and that the claim of the petitioners that they possess title for the land in question cannot be accepted since there is no corresponding entry of names of the petitioners in actual patta No.29 of the said village. Accordingly, the appeals filed by the petitioners stood rejected.

5. Before this Court, the learned counsel for the petitioners would submit that there are substantial records now available with the petitioners and that they should be permitted to be produced before the Appellate Authority and one more opportunity may be granted to the petitioners.

6. However, this request cannot be acceded to at this juncture and more particularly when adequate opportunity was



granted to the petitioners by the first respondent and when they were also represented by counsel. Taking note of all the submissions, an order has been passed. If, according to the petitioners, documents are now available with them, then it is always open to the petitioners to approach the appropriate civil court for necessary relief and the stand taken by the petitioners at this juncture cannot be a ground to interfere with the order passed by the first respondent.

7. In the result, the writ petition fails and is accordingly dismissed. No costs. Consequently, the connected WMP is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RS
To

1.The Additional Chief Secretary &
Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai-5.

2.The District Revenue Officer,
Thiruvallur, Thiruvallur District.

3.The Tahsildar, Madhavaram Taluk,
Thiruvallur District.

+1cc to M/s.S.M.Hameed Mohideen, Advocate SR.103502
+1cc to the Government Pleader SR.104023

WP.No.24126 of 2017&
WMP.No.25480 of 2017

CP(CO)
CB(10/02/2020)