

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.34464 of 2018

1.S.Emarose

2.Saroja

... Petitioners

Vs

1.The District Collector,
Thiruvallure District.2.The Tahsildar,
Poonamallee Taluk Office,
Poonamallee,
Thiruvallure District.

... Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, praying to direct the respondents 1 and 2 to consider the petitioners representation lastly dated 28.05.2018 and dispose the same.

For Petitioner : Mr.N.Selvarajan

For Respondents : Mr.N.Inbanathan

Additional Government Pleader

ORDER

By consent, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.N.Selvarajan, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader, appearing on behalf of the respondents.

3. The case of the petitioners is that on 13.03.1995, they purchased a land measuring 1334 Sq.ft out of 45.5 ares pertaining to S.No.164 of Kattupakkam Village, Poonamallee Taluk, Thiruvallur District from one Krishnan. It is an unregistered sale deed and on 24.06.2010, the petitioner obtained a declaration decree from the District Munsif Court, Poonamallee, in O.S.No.283 of 2009, in respect of the legal heirs of the deceased brother Late Govindaraj.

4. Based on the Court decree, the records of E.B, Land Tax, Chitta and Adangal have been transferred. He sought for issuance of patta for the said land but till date the

petitioners' representation has not been considered and no action has been taken by the respondent alleging that the land was originally Mechaikal Poromboke land which was converted into Gramanatham in the year 2008. Subsequently, their neighbors were granted patta. The petitioners, who are in occupation of the land based on the valid sale deed are entitled for patta.

5. In the counter filed by the second respondent, it is submitted that the petitioners are not entitled to claim right over the property. Enquiry reveals that they are not residing in the village, but visiting the village occasionally. As per Revenue Standing Order 21 to get free assignment, they should be in a possession and occupation of the land for considerable period of time. Whereas, in S.No.164 only part of the land classified as Grama Natham and rest of the land is classified as grazing land. There is prohibition to assign patta to lands classified as grazing land.

6. The request of the petitioner was rejected and the same was communicated to them on 06.04.2017 itself. Suppressing the said fact, the writ petition has been filed submitting that S.No.164/1, in respect of which the petitioners claim for patta, being a grazing ground, the claim of the petitioner to grant patta is unsustainable.

7. In view of the submissions made by the respondent, since the land for which patta sought by the petitioners is classified as grazing land, assignment cannot be granted as per the Revenue Standing Order.

8.Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,Thiruvallure District.
- 2.The Tahsildar, Poonamallee Taluk Office, Poonamallee,Thiruvallure District.

+1cc to M/s.N.Selvarajan, Advocate Sr.No.87443

+1cc to The Government Pleader Sr.No.87765

AKM/9.11.19/2P-5C/

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