

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.34310 of 2018

and

W.M.P.Nos.39887, 39892 of 2018 and 5736, 6175 of 2019

M.Dhayalan

... Petitioner

Vs

1.The District Collector,
Tiruvallur District.

2.The Tahsildhar,
Tiruvallur Taluk,
Tiruvallur District.

3.The Village Administrative Officer,
Komakkampedu Village,
Tiruvallur Taluk,
Tiruvallur District.

4.The Chief Educational Officer,
Collectorate Campus,
Ground Floor, Tiruvallur - 602 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to grant cultivation patta in petitioner's name for 3 acres of lands in his possession and cultivation in S.No.199/1, Komammampedu Village, Thiruvallur Taluk, Thiruvallur District by reclassifying the same from "Meichal Tharai" into "Nanja lands" and by taking into consideration his representation dated 17.12.2018 and G.O.Ms.No.241 Agriculture (WD.1) Department dated 12.09.2006.

For Petitioner : Mr.K.Lavan

For Respondents: Mr.E.Balamurugan,
Special Government Pleader for R1 to R3

Ms.V.Annalaskhmi, Government Advocate
for R4.

O R D E R

The petitioner seeks for a Mandamus directing the respondents 1 to 3 to grant cultivation patta in the name of petitioner for 3 acres of land in his possession situated in Survey No.199/1 at Komammampedu Village, Thiruvallur Taluk, Thiruvallur District.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and learned Government Advocate appearing for the 4th respondent.

3. It seems that in respect of the subject matter land, already proceedings were initiated under Land Encroachment Act to evict the occupant. It is further seen that the petitioner's father already approached this Court and filed writ petition in W.P.No.6206 of 2016 and sought for Mandamus to reclassify the very same lands by claiming that he was cultivating the same and for grant of cultivation patta in his name. The said writ petition was disposed on 22.02.2016, by directing the District Collector, Tiruvallur District to consider the petitioner's father's representation dated 11.02.2016 on merits and in accordance with law after affording an opportunity of personal hearing to him as well as to the necessary parties, if any. It was also observed therein that the respondents shall maintain status quo as on that date till the disposal of the said representation dated 11.02.2016. While that being the factual position, the present writ petition is filed by the petitioner, who is none else than the son of the petitioner in W.P.No.34310 of 2018.

4. Needless to say that when already petitioner's father has approached this Court and obtained the said order and if it is the grievance of the petitioner therein that the said representation has not been considered so far, it is for the said petitioner to workout his remedy in a manner known to law as against such non-compliance. Hence, the petitioner herein is not entitled to make another independent claim in respect of the very same property, as sought for by his father earlier.

5. Therefore, I find that the present Writ Petition is totally misconceived. Accordingly, the same is dismissed as not maintainable, in view of the earlier order passed by this Court in the writ petition filed by the petitioner's father as stated supra. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsi/vri

To

- 1.The District Collector,
Tiruvallur District.
- 2.The Tahsildhar,
Tiruvallur Taluk,
Tiruvallur District.
- 3.The Village Administrative Officer,
Komakkampedu Village,
Tiruvallur Taluk,
Tiruvallur District.
- 4.The Chief Educational Officer,
Collectorate Campus,
Ground Floor, Tiruvallur - 602 001.

+1 cc to the Government Pleader, S.R.No.22071

W.P.No.34310 of 2018

VBA (CO)
SSM(27/03/2019).

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