



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.24792 of 2002

1.Vallmoorthi

2.N.Jaya

3.Mangathal

4.Suseela

5.Bhagirathi

6.S.Ramu

7.Suguna

8.Indira

...Petitioners

Vs.

1.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai - 600 005.

2.The Commissioner & Director of Survey and Settlement,
Chennai - 600 005.

3.The Settlement Officer,
Tanjore.

4.The Assistant Settlement Officer,
Thiruvannamalai.

5.The Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.

...Respondents



Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondents pertaining to the proceedings of the 1st respondent in R.Dis(K1)48926/2000 dated 25.06.2002 and to quash the order insofar as it relates to the petitioners and direct the respondents to grant patta in favour of the petitioners.

For Petitioners: Mr.S.P.Sudalaiyandi
for Mr.R.Vijayan

For Respondents: Mr.M.Elumalai,
Government Advocate for R1 to R4

Mr.C.Emalias,
Additional Advocate General,
Assisted by Mr.M.Baskar for R5

O R D E R

This writ petition has been filed challenging the order passed by the Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai, dated 25.06.2002. The said order came to be passed in a revision petition filed in respect of grant of ryotwari patta to an extent of 1.49 acres of land in S.No.207/14-A of Koyambedu Village, Egmore, Nungambakkam Taluk, Chennai District.

2. The Special Commissioner has noted that there is a triangular contest for the issue of patta for the said land. One of the contestant is petitioner herein and the other contestant is Tmt.Kiliammal and 13 others and the other contestant is the Tamil Nadu Housing Board. The Special Commissioner in the impugned order has been noted about the land acquisition proceedings issued by the Government for the prejudice by the Tamil Nadu Housing Board, culminated in the year 1969, entire compensation has been paid to Lalithammal. In the impugned order it has been noted that Mr.M.Rajendran, Power of Attorney filed the necessary writ petition before the Tvl.Natesan and Swaminathan in W.P.No.2409 of 1992 and the same was dismissed.

3. Taking note of the fact that the lands have already been acquired and petitioners herein questioning the order passed by the Special Commissioner with regard to the grant of patta under the Tamil Nadu Act -(XXVI/48) does not arise. In fact, the learned counsel for the petitioner would fairly submits that the pending proceedings would become infructuous in the land of the acquisition proceedings. Yet it is the endeavor of the learned



counsel for the petitioner to submit that his clients are the owners of the property and the extent claimed by them was included in the holding of the Tmt.Lalithammal. If that be so, the claim before the Courts below are completely in different form.

4. Thus, for the above reasons, this writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns

To

- 1.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
- 2.The Commissioner & Director of Survey and Settlement,
Chennai - 600 005.
- 3.The Settlement Officer,
Tanjore.
- 4.The Assistant Settlement Officer,
Thiruvannamalai.
- 5.The Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.

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RN(06/07/2020)