

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.12742 of 2016

Pachayammal

... Petitioner

Vs.

1.The Commissioner,
Land Administration,
Ezhilagam, Chepauk,
Chennai.

2.The District Revenue Officer,
Thiruvannamalai,
Thiruvannamalai District.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the 2nd respondent to delete the wrong entries in the revenue records for S.No.159/3 and grant patta to the petitioner in the light of the order dated 08.12.2015 passed in proceedings G2/020804/2014 on the file of the 1st respondent.

For Petitioner : Mr.R.Dilli Kumar

For Respondents: Ms.A.Madhumathi,

Special Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the 2nd respondent to delete the wrong entries in the revenue records in respect of S.No.159/3 and grant patta to the petitioner in the light of the order dated 08.12.2015 passed by the 1st respondent.

2.The 2nd respondent filed a counter wherein it has been stated that the land in Survey No.159/3 was sub-divided as Survey Nos.159/16 and 159/17 measuring an extent of 1 ½ cents (i.e.) 0.00.5 hectares, each and the same was allotted in favour of one Boominathan and Rajeswari. Subsequently, the Revenue Divisional Officer, Tiruvannamalai had cancelled the house-site patta issued in favour of the said Boominathan and Rajeswari in respect of Survey Nos.159/16 and 159/17 and converted the same into a common pathway. As against the order of the Revenue Divisional Officer, the said Boominathan and Rajeswari filed an appeal before the District Revenue Officer, Tiruvannamalai, who, after conducting enquiry, cancelled the order passed by the Revenue Divisional Officer by his proceedings dated 20.12.2013 and also issued instructions to the Tahsildar, Thandrambattu to evict the encroachments in

Survey Nos.159/7 and 159/12 and to create a common pathway for the use of the Writ Petitioner and the public. As against the same, the Writ Petitioner filed a revision petition before the 1st respondent and also filed a Writ Petition before this Court in W.P.No.17102 of 2015 with a prayer to issue directions to the 1st respondent to dispose of the revision petition filed by her on 28.01.2014. This Court, by order dated 24.06.2015, directed the 1st respondent to dispose of the appeal within a time frame. The 1st respondent, after conducting an enquiry, set aside the order passed by the District Revenue Officer, Tiruvannamalai and ordered to cancel the patta issued in respect of Survey Nos.159/16 and 159/17 of Sathanur Village.

3.According to the 2nd respondent, the land in Survey No.159/3 measuring an extent of 0.03 acres in Plot No.10 of Sathanur Village was originally a Poramboke land and the same was assigned to one Pachayappan, who is the husband of the Writ Petitioner, under DK Patta dated 16.01.1984 by the Tahsildar, Chengam. After the demise of the said Pachayappan, his wife, who is the Writ Petitioner herein and her children are in possession and enjoyment of the said land. It is further stated that patta was issued to the husband of the Writ Petitioner only to an extent of 0.03 cents, however, during the Natham Settlement Land Tax Scheme (Natham Settlement Scheme), the Writ Petitioner was granted patta to an extent of 0.01.5 hectare (173 sq.meters), which is more than the extent already granted to her husband Pachayappan in the old patta.

4.Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondents submitted that since the authorities have issued patta to the petitioner for more than the extent what was granted to her husband, the prayer sought for in the Writ Petition has become infructuous.

5.Mr.R.Dilli Kumar, learned counsel appearing for the petitioner submitted that the averments stated in the counter of the 2nd respondent and also the submission made by the learned Special Government Pleader appearing for the respondents may be recorded and the Writ Petition may be closed.

6.Having regard to the submissions made by the learned counsel on either side, recording the averments stated in the counter affidavit of the 2nd respondent, since the petitioner was granted patta to an extent of 0.01.5 hectares (173 sq.m.), which is more than the extent what was granted to her husband, no further direction need be issued to the authorities. Accordingly, the Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

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Sub Assistant Registrar

va
To

1.The Commissioner,
Land Administration,
Ezhilagam, Chepauk,
Chennai.

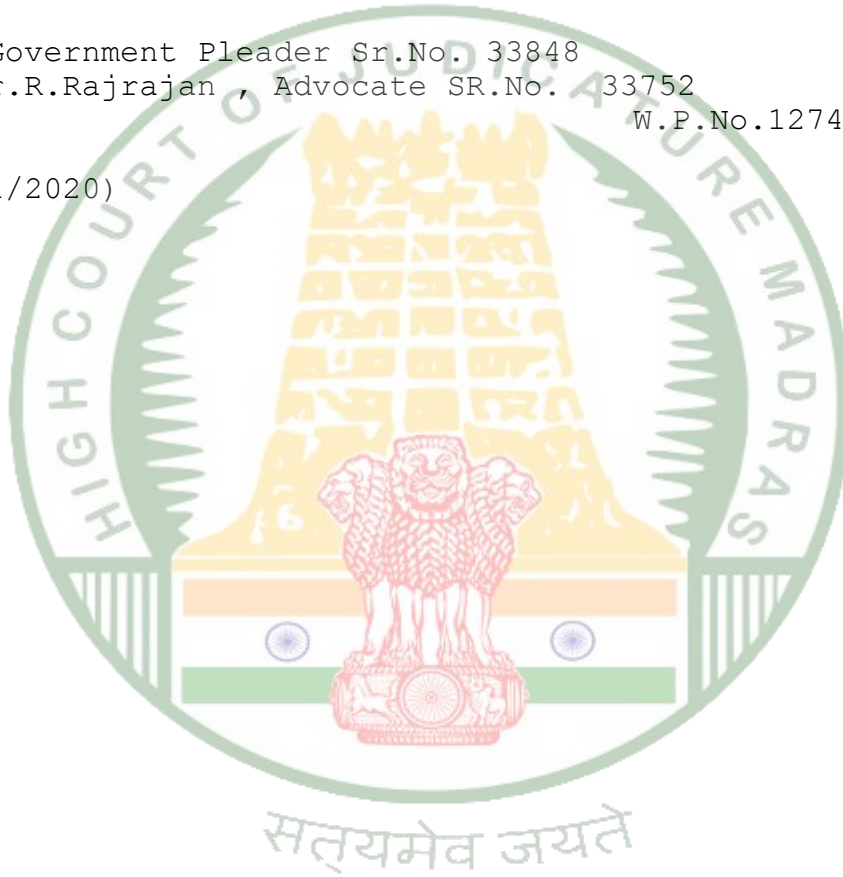
2.The District Revenue Officer,
Thiruvannamalai,
Thiruvannamalai District.

+1 cc to Government Pleader Sr.No. 33848

+1cc to Mr.R.Rajrajan , Advocate SR.No. 33752

W.P.No.12742 of 2016

A.SK(27/11/2020)



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