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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.02.2020

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.22887 of 2016
and W.M.P.No.19570 of 2016

M. Damodaran

...Petitioner

-vs-

1. The District Collector,
Sathuvachari,
Vellore District.
2. The District Revenue Officer,
Vellore District, Vellore.
3. The Revenue Division Officer,
Vellore District, Vellore.
4. The Tahsildar,
Vellore District, Vellore.
5. The Project Implementation Unit,
National Highways Authority of India,
7-E, 5th Cross,
Jakappan Nagar, Krishnagiri,
Krishnagiri District.

...Respondents

PRAYER : Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, call for the records relevant to the order in Na.Ka. D3/2470/2015 dated 14.06.2016 passed by the 2nd respondent and the same was served upon the petitioner on 22.06.2016 and quash the same as illegal, improper, unreasonable, against the principles of natural justice and thereby directing the 4th respondent to measure the petitioner's property and issue separate patta for the same in Survey No.431/1B, Sathuvachari Village, Vellore District consisting of 73 cents of land in the name of the petitioner.

For Petitioner : Mr.A. Rajesh Kanna

For Respondents: Mrs.A.Sri Jayanthi
Special Govt. Pleader [R1 to R4]

R5 - No appearance



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ORDER

Heard Mr.A.Rajesh Kanna, learned counsel for the petitioner and Mrs.A. Sri Jayanthi, learned Special Government Pleader for respondents 1 to 4.

2. With consent of learned counsel on either side, this writ petition itself is taken up for final disposal.

3. The petitioner seeks for issuance of a writ of certiorarified mandamus to quash the order passed by the 1st respondent dated 14.06.2016 and to consequently direct the 4th respondent to grant patta in respect of the land in question measuring an extent of 73 cents.

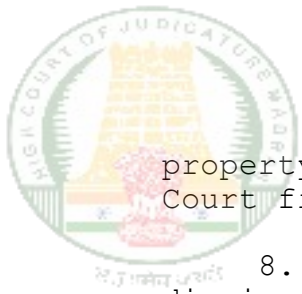
4. The petitioner's request for grant of patta was rejected on two grounds. Firstly the lands, for which, the petitioner claims patta viz., in survey No.431/1B has been classified as a Government poromboke land and now vested with the National Highways Department. The second reason for rejecting the petitioner's request is on the ground that the petitioner has not been able to produce any documents, more particularly, parent document to establish that he is entitled for patta for the disputed land.

5. In the counter affidavit, it has been set out that during field inspection conducted by the Tahsildar along with the petitioner in survey No.431/1B of Sathuvachari Village on 30.09.2013, it was found that the boundaries of the land was identified by the petitioner is as follows:

North - Chennai Bangalore National Highways;
East - Arcot Road;
South - Arcot Road and
West - Srinivasa Theatre.

6. It is further stated that after the identification was done by the petitioner, the said land comes under the S.No.428/2 as per the village records. The land identified by the petitioner does not come in survey No.431/1B. Therefore, the respondents have taken a stand that the petitioner has not been properly identified the land, which he has purchased on 01.03.1998. Further, it is stated that at present, the disputed land in survey No.431/1B, which was classified as a Government poromboke land is in possession of the National Highways and 6 meter service road, is on left side of over bridge in the Krishnagiri to Walajapet route in the Chennai to Bangalore National Highways.

7. In the light of the stand taken by the respondents in the counter affidavit, which has not been denied by the petitioner, the relief sought for by the petitioner cannot be granted, because the petitioner is bound to identify the



property, for which, patta has been sought for. Therefore, the Court finds no error in the impugned order.

8. For all the above reasons, the writ petition is dismissed. However, it will be open to the petitioner to approach the authorities with the copies of the parent documents and patta issued in favour of the petitioners vendors and predecessor in title and if all such documents are produced, then it will be open to the authorities to do re-verification in accordance with law. No costs. Connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Sathuvachari,
Vellore District.

2.The District Revenue Officer,
Vellore District, Vellore.

3.The Revenue Division Officer,
Vellore District, Vellore.

4.The Tahsildar,
Vellore District, Vellore.

+1cc to Mr.A.Rajesh Kanna, Advocate SR.14110

+1cc to the Government Pleader SR.14689

W.P.No.22887 of 2016
and W.M.P.No.19570 of 2016

SSD(CO)
CB(16/03/2020)