

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.11252/2020 & WMP.Nos.13725 & 13727/2020

1.B.Kumarasamy
2.B.Venkateshwaran .. Petitioners

Versus

1.The District Collector
The Nilgiris.
2.The Settlement Officer
Gudalur, The Nilgiris.
3.Revenue Divisional Officer
Gudalur, The Nilgiris.
4.The Tahsildar
Gudalur, The Nilgiris.
5.The Village Administrative Officer
Gudalur, The Nilgiris. ... Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2nd respondent to issue patta based on the representation of the petitioners dated 11.03.2019 in respect of the property comprised S.No.174/1 and 28/2, Re-Survey No.980/9, 980/10 and 981/3 totally an extent of 1.55 acres and other properties situated at Gudalur Village, Nilgiris District forthwith.

For Petitioners : Mr.S.Sukumar
For Respondents : Mr.Annai Ezhil, GA

ORDER

(1)This writ petition has been filed for the issue of a writ of mandamus directing the 2nd respondent to consider the representation made by the petitioners on 11.03.2019 and to issue patta in favour of the petitioners with regard to the subject property.

- (2) The learned counsel for the petitioners submitted that the petitioners purchased the property by way of a registered Sale Deed dated 19.07.1975 and thereafter, the subject property was also partitioned among the family members. The learned counsel further submitted that the petitioners have been carrying on with the agricultural work for so many decades and therefore, representation was made before the 2nd respondent seeking for patta. Since the same was not considered and steps were being taken to evict the petitioners, the present writ petition has been filed before this Court seeking for appropriate direction.
- (3) Per contra, Mr. Annai Ezhil, learned Government Advocate accepting notice on behalf of the respondents circulated the Communication received from the Tahsildar, dated 29.08.2020.
- (4) On carefully going through the said communication, it is seen that the names of the petitioners have been removed from the revenue records since the subject property belongs to the Government and consequently, the petitioners are treated as encroachers in the property. The learned Government Advocate, by bringing to the notice of this Court, the said Letter / Communication given by the Tahsildar, submitted that there is no question of issuing patta to the petitioners and the petitioners do not have the right to continue with their possession in the property and they are illegally squatting in the lands belonging to the Government.
- (5) This Court has carefully considered the submissions made on either side and the materials available on record.
- (6) In view of the specific stand taken by the respondents, this Court cannot issue any positive direction to the respondents to consider the representation made by the petitioners for issuance of patta. If the respondents want to take possession of the property, necessary proceedings shall be initiated under the Land Encroachment Act, 1905, and the possession shall be taken strictly in accordance with law. If the petitioners are aggrieved by the proceedings of the respondents wherein their names have been removed from the records, it is always left open to the petitioners to work out their remedy in accordance with law.
- (7) The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
The Nilgiris.
- 2.The Settlement Officer
Gudalur, The Nilgiris.
- 3.Revenue Divisional Officer
Gudalur, The Nilgiris.
- 4.The Tahsildar
Gudalur, The Nilgiris.
- 5.The Village Administrative Officer
Gudalur, The Nilgiris.

+1cc to Mr.C.Prabakaran , Advocate SR.No. 28306

+1 cc to Government Pleader Sr.No. 28487

WP.No.11252/2020

A.SK(04/09/2020)



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