

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.12557 of 2011

and

W.M.P.Nos.2 of 2011 and 2 of 2012

S.Manikandan

S/o.V.Subramanian

... Petitioner

Vs.

1.The District Collector,
Tiruvannamalai District.

2.The Deputy Revenue Officer,
Tiruvannamalai.

3.The Tahsildar,
Tiruvannamalai.

4.The Special Officer,
Thiruvannamalai District Co-operative,
Printing Works Limited,
66, Ramalinganar First Cross Street,
Tiruvannamalai District.

... Respondents

(R4-Impleaded as per order dated 12.03.2012 in M.P.No.1 of 2012 in W.P.No.12557 of 2011)

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents herein to consider the petitioner's representation dated 29.04.2011 for issuance of patta in respect of the Hill Poramboke Land in Survey No.38/3 (193C) and T.S.No.236 in Seriendhal Village, Tiruvannamalai District and grant the same in petitioner's favour.

For Petitioner : M/s.Radha Gopalan

For Respondents: M/s.A.Madhumathi
Special Government Pleader,
for RR1 to R3
Mr.K.Arun Babu for R4

ORDER

The writ petition has been filed for issuing a Writ of Mandamus, to direct the respondents herein to consider the petitioner's representation dated 29.04.2011 for issuance of patta in respect of the Hill Poramboke Land in Survey No.38/3

(193C) and T.S.No.236 in Seriendhal Village, Tiruvannamalai District and grant the same in petitioner's favour.

2.In the year 2015 the petitioner's mother executed a settlement deed in respect of the land in Survey No.38/3 in favour of the petitioner. It is stated that the petitioner was using the hill poramboke land in T.S.Nos.236 and 98/3 for ingress and egress. Since he has been occupying the said land without any patta, he claims for assignment or patta on the strength of his possession and enjoyment of the land.

3.A representation was made by the petitioner on 29.04.2011. The copy of the representation was also marked to the District Collector and the District Revenue Officer. It is to be noted that the Tashildar is the competent authority to consider the application for assignment, if the land is a small extent and its value in his jurisdiction. The petitioner who is having the land to have access may at her claim easementary right and not physical possession.

4.Without expressing any opinion on the merits of the contentions pleaded before this Court, the third respondent is directed to consider the representation of the petitioner. The petitioner is directed to give a fresh representation to the Tashildar within a period of two weeks from the date of receipt of copy of this order and upon the fresh representation submitted by the petitioner, the third respondent is directed to dispose of the said representation in accordance with law, after giving opportunity to the petitioner within a period of twelve weeks from the date of receipt of copy of this order.

5.With the above directions, the writ petition is disposed of. No Costs. Consequently, the connected miscellaneous petitions are also closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (CCC)

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Sub Assistant Registrar

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Copy to

1.The District Collector,
Tiruvannamalai District.

2.The Deputy Revenue Officer,
Tiruvannamalai District.

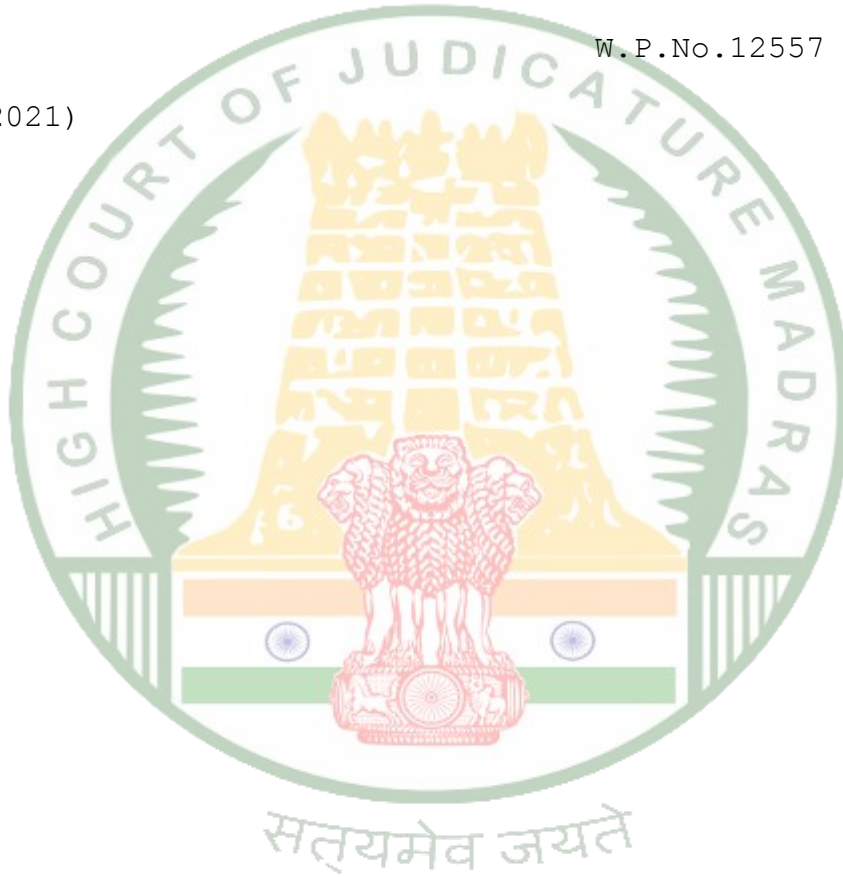
3.The Tahsildar,
Tiruvannamalai.

4.The Special Officer,
Thiruvannamalai District Co-operative,
Printing Works Limited,
66, Ramalinganar First Cross Street,
Tiruvannamalai District.

+lcc to Mr.S.Radha Gopalan, Advocate, S.R.No. 5664
+lcc to the Government Pleader, S.R.No. 5902

W.P.No.12557 of 2011

GSM(CO)
GN(29/03/2021)



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