

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.A. NAKKIRAN

W.P.NO.21471 OF 2021 AND
W.M.P.NO.22846 OF 2021

1.M.P.Devaraj

2.D.Diana

...Petitioners

..Vs..

1.The District Collector,
Thiruvallur District.

2.The Tasildar,
Ponneri Taluk,
Ponneri.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the Respondents to grant patta to lands measuring extent of 9 cents as per occupancy patta No.2A in B Memo No.279/1420 of the 2nd Respondent occupied by the Petitioners in Survey No. 276 of Athipattu Village in the light of G.O. Ms.No. 372 Revenue dated 26.08.2014 which has been extended upto December 2020.

For Petitioners : Mr.K.Sakthivel

For Respondents : Ms.Akila Rajendiran
Government Advocate.

O R D E R

(Order of this Court was made by S.VAIDYANATHAN, J)

This Writ Petition has been filed by the petitioners seeking direction to the Respondents to grant patta to the lands measuring an extent of 9 cents as per occupancy patta No.2A in 'B' Memo No.279/1420 of the 2nd Respondent occupied by the Petitioners in Survey No. 276 of Athipattu Village in the light of G.O. Ms.No. 372 Revenue dated 26.08.2014 which has been extended upto December 2020.

2. Ms.Akila Rajendran, learned Government Advocate takes notice on behalf of the Respondents. By consent of both sides, this Writ Petition is taken up and disposed of at the stage of admission itself.

3. The learned counsel appearing for the Petitioners submitted that the 1st Petitioner's father-in-law was staying at Survey No.276, Athipattu Village, measuring an extent of 9 cents which has been classified as cart way in the revenue records. He further submitted that after the demise of the Petitioner's father-in-law, the petitioners and his brother-in-law one Durai have been living in the above lands, by constructing houses, for last 40 years and they have also obtained the electricity connection in their names for the said houses and have been continuously paying the electricity consumption charges. He further submitted that the respondents have issued B Memo under the Tamilnadu Encroachment Act in the name of the First Petitioner for the aforesaid property and he has been continuously paying the tax assessed as per B Memo from 1990 onwards. It is the further contention of the learned counsel for the petitioners that though several representations have been made by the petitioners to the Respondents for grant of patta in respect of aforesaid property, no action has been taken by the respondents till date and therefore he prays for a direction to the respondents to grant patta to the petitioners in respect of the aforesaid property.

3. It is also not in dispute that the land belongs to the Government Poromboke. Merely because B-Memo has been filed and necessary tax has been paid by the petitioners and as the petitioners were living for years together in the aforesaid property, the same cannot give right to the petitioners to acquire the said property, as it belongs to Government.

4. In such view of the matter, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

arr

To

1.The District Collector,
Thiruvallur District.

2.The Tasildar,
Ponneri Taluk,
Ponneri.

+1cc to Mr.K.Sakthivel, Advocate SR.No.52720

+1cc to the Government Pleader SR.No.53248

W.P.No.21471 of 2021

KK(CO)
RVM(10/11/2021)