

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.10527 of 2018

A.Chandirapal Pandian

.. Petitioner

Vs.

1.The District Collector
Office of District Collector
Kancheepuram District

2.The Tahsildar
Thiruporur
Kancheepuram District

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation dated 27.02.2018 of the petitioner within timeframe fixed by this Hon'ble Court.

For Petitioner : Mr.V.Premkumar

For Respondent : Ms.A.Madhumathi
Special Government Pleader

O R D E R

This writ petition is filed for issuing a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 27.02.2018.

2. The petitioner states that he purchased an extent of 50 cents of land in Survey No.1515 by a sale deed vide No.1512/1984 dated 14.08.1984 and another extent of 1 Acre of land in Survey No.1514 by another document of sale dated 01.10.1984. The petitioner also relies upon three sale deeds to claim ownership over an extent of 3.6 Acres and another extent of 1 Acre in Survey No.1515. Though it is admitted by the petitioner that no patta was issued to the petitioner so far, the petitioner has produced before this court, a few registered sale deeds to show that the property had been dealt with by strangers. It is to be seen that in none of the documents of title, the title of petitioner's predecessor and petitioner's vendor could be ascertained for want of

particulars about the prior revenue records or the manner by which petitioner's vendor had derived title to the property.

3. Be that as it may, the petitioner now admit before this court that he seeks patta purely on the basis of his long enjoyment by paying 'B Memo' charges to the Government. In the said circumstances, the petitioner is not entitled to claim patta. At best, the petitioner can seek assignment if it is permissible as per the Revenue Standing Orders. In the said circumstances, this writ petition is disposed of in the following lines:

4. Without expressing any opinion on the merits of the petitioner's contention that he is in possession of the property based on the sale deeds produced before this court, this court direct the second respondent to consider petitioner's representation as one for seeking assignment of land from the Government and to pass appropriate orders on merits and in accordance with law, after giving sufficient opportunity of being heard to the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order. It is to be seen that the second respondent may consider petitioner's case for assignment only if it is permissible in terms of the Revenue Standing Orders or the executive orders of the government. If the land even if it is in the occupation of the petitioner is required for a public purpose, there cannot be any assignment.

5. With the above direction, the writ petition is disposed of. However, there is no order as to cost.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

Asr

To

1.The District Collector
Office of District Collector
Kancheepuram District

2.The Tahsildar
Thiruporur, Kancheepuram District

+1cc to Government Pleader SR.No.18181

W.P.No.10527 of 2018

GPL(CO)

GMV(08/04/2021)