



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.5618 of 2011

1.V.Kesavan
2.V.Sekar
3.Muniappa Chowdry
4.P.S.Mari
5.V.Loganathan

... Petitioners

Vs

1.The State of Tamil Nadu
Represented by its Secretary to Government
Revenue Department
New Secretariat, Chepauk
Chennai-600 005.

2.The Principal Secretary-cum-Commissioner
of Land Administration
Department of Land Administration
Ezhilagam, Chepauk
Chennai-600 005.

3.The District Collector
Thiruvallur District.

4.District Revenue Officer
Thiruvallur District.

5.Revenue Divisional Officer
Ponneri, Thiruvallur District.

6.The Tahsildar
Ambattur Taluk
Thiruvallur District.

7.The Village Administrative Officer
No.15, Pothur Village, Chennai-52.

8.The Sub-Registrar
Red hills, Thiruvallur District.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to appoint Record Officer to discharge the duties imposed upon him as per the provisions of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act (10 of 1969) in respect of the lands situate at Pothur, Kannadapalayam, Upparapalayam and Colony Villages, Ambathur Taluk, Thiruvallur District, which was published in Chennai - Chengalpet District as 1/10/72 Government Gazette approved record of Tenancy rights.

For Petitioners : Mr.R.Bharath Kumar

For Respondents : Mr.Stalin Abimanyu
Government Advocate

ORDER

This writ petition has been filed to issue a mandamus directing the respondents 1 and 2 to appoint Record Officer to discharge the duties imposed on him as per the provisions of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act (10 of 1969) in respect of the lands in S.Nos.132, 134, 245/1, 130, 138/2, 142, 214/2, 189, 144, 178/1, 189, 194/1, 161, 138/1, 133 122, 136, 140, 142, 144, 167/1, 189, 241 and 233, situated at Pothur, Kannadapalayam, Upparapalayam and Colony villages, Ambathur Taluk, Thiruvallur District, which was published in Chennai-Chengalpet District Gazette on 01.10.1972 as approved record of tenancy rights.

2.Upon notice, the respondents filed a detailed counter affidavit, wherein, it is inter alia stated that as per section 2(7) of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969, any officer of the Revenue Department not below the rank of a Deputy Tahsildar shall be the record officer under this Act; and the Tahsildar of respective taluk in his capacity as custodian of revenue records is the Record officer for that particular taluk. The counter further proceeds to state that it was admitted by the petitioners that their forefathers / they themselves were shown as the cultivating tenants for the lands covered under the writ petition as per the Gazette Notification referred to and relied upon by them; the said Gazette Notification has been made by the Record Officer for Ambattur Taluk; and hence, there is no requirement to appoint Record Officer afresh.

3.Today, when the matter was taken up for consideration, the learned counsel appearing for the petitioners submitted that due to efflux of time, the petitioners 2, 3 and 4 and the legal heirs of petitioners 1 and 5 may be granted liberty to approach the authority concerned afresh, for which, the learned



Government Advocate appearing for the respondents has no serious objection.

4. In view of the limited relief now sought by the learned counsel for the petitioners, which has not been seriously opposed on the side of the respondents, this writ petition stands disposed of, granting liberty to the petitioners 2, 3 and 4 and the legal heirs of petitioners 1 and 5, to approach the authority concerned afresh. On such approach, the authority concerned shall consider the same and pass appropriate orders, on merits and as per law, as expeditiously as possible. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
New Secretariat, Chepauk,
Chennai-600 005.
2. The Principal Secretary-cum-Commissioner
of Land Administration
Department of Land Administration
Ezhilagam, Chepauk
Chennai-600 005.
3. The District Collector
Thiruvallur District.
4. The District Revenue Officer
Thiruvallur District.
5. The Revenue Divisional Officer
Ponneri, Thiruvallur District.
6. The Tahsildar
Ambattur Taluk, Thiruvallur District.



7.The Village Administrative Officer
No.15, Pothur Village, Chennai-52.

8.The Sub-Registrar
Red hills, Thiruvallur District.

+1cc to Mr.R.Bharath Kumar, Advocate (SR No.31141)

+1cc to Government Pleader (SR No.31720)

W.P.No.5618 of 2011

SVI (CO)

PR (18/08/2021)