



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.31385 OF 2013

V.Baskara Rao

... Petitioner

Vs

1. The District Collector,
Kancheepuram District.
2. The District Revenue Officer,
Chengalpattu Taluk,
Kancheepuram District.
3. The Tahsildar,
Chengalpattu Taluk,
Kancheepuram District.
4. The Joint Registrar No.II,
Sub-Registrar Office,
Chengalpattu,
Kancheepuram District.

... Respondents

PRAYER:-

Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of CERTIORIFIED MANDAMUS to call for the records of the 2nd respondent in proceedings in Pa.Mu.28786/2010/No.4 dated 31.10.2013 and quash the same and consequently direct the 2nd respondent to change the endorsement in the Revenue records as "Patta land" instead of "Tharisu land".

For Petitioner : Mr.N.Subramani

For Respondents : Mr.M.R.Gokul Krishnan,
Government Advocate



O R D E R

This writ petition has been filed to issue a Writ of Certiorified Mandamus to call for the records of the 2nd respondent in proceedings in Pa.Mu.28786/2010/No.4 dated 31.10.2013 and quash the same and consequently direct the 2nd respondent to change the endorsement in the Revenue records as "Patta land" instead of "Tharisu land".

2. The case of the petitioner is that the petitioner and his brother were settled the property comprised in Survey No.883/A/2 admeasuring 1.6.5 Ares (2.88 acres) in No.68 Attur "B" Village, Thimmavaram Village, Chengalpattu by their grandmother by a settlement deed and thereafter they partitioned the said property by the partition deed dated 03.05.2006 vide Document No.6115 of 2006.

3. According to the petitioner, his grandmother purchased the said properties from one Rangasamy Iyenger in the year 1962 comprised in Survey No.883/A/2 admeasuring 2.44 acres in the year 1966, she purchased the property from one Beemaranganathan to an extent of 44 cents comprised in Survey No.883/A/2 and on the strength of the settlement deed, they were also issued patta. However, the said land is classified as tharisu land.

4. Therefore, the petitioner made request to re-classify as patta land in their favour. The said request is pending with the second respondent and as such the petitioner filed writ petition before this Court in W.P.No.12127 of 2012 and this Court by an order dated 14.12.2012 directed the second respondent to consider the representation of the petitioner dated 19.02.2013 and pass orders on merits in accordance with law within a period of twelve weeks. Thereafter, the second respondent passed impugned order dated 31.10.2013, thereby rejected the representation of the petitioner for the reason that the petitioner failed to produce any document to show that they have valid title over the property except the partition deed. Therefore, the petitioner failed to produce any documents to prove the title over the property in favour of their grandmother. Hence, the second respondent rightly rejecting the petitioner's claim and this Court finds no infirmity or illegality in the order passed by the second respondent.

5. However, the learned counsel for the petitioner submitted that the petitioner re-possessed with all title deeds in respect of the subject property such as the sale deeds purchased by the petitioner's grandfather and the settlement deed executed in favour of the petitioner and his brothers. Considering the said submission, the petitioner is at liberty to produce all the sale



deeds which were executed in favour of their grandmother in the year 1962 and 1966 and the settlement deed of the year 1978 executed in favour of the petitioner before the second respondent with all relevant records along with representation within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to pass orders on merits and in accordance with law within a period of sixteen weeks thereafter, after giving opportunity of hearing to the petitioner and the counter parties, if any.

6. Accordingly, this writ petition is dismissed. No order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rna/rgi

To

1. The District Collector,
Kancheepuram District.
2. The District Revenue Officer,
Chengalpattu Taluk,
Kancheepuram District.
3. The Tahsildar,
Chengalpattu Taluk,
Kancheepuram District.
4. The Joint Registrar No.II,
Sub-Registrar Office,
Chengalpattu,
Kancheepuram District.

+1cc to Mr.N.Subramani, Advocate, S.R.No.48069
+1cc to the Government Pleader, S.R.No.48509

W.P.NO.31385 OF 2013

PMK(CO)
PBS/20/10/2021