



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 11913 of 2018
and
W.M.P. No. 13903 of 2018

P.Karunanithi

... Petitioner

-vs-

1. The Collector,
Kancheepuram District Collector,
Collector Office Compound,
Kancheepuram.

2. The Revenue Divisional Officer,
Collector Office Compound,
Kancheepuram.

3. The Tahsildar,
Collector Office Compound,
Kancheepuram.

4. The Commissioner,
Kancheepuram Municipality,
Kancheepuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 03.01.2018 for issuance of Patta or assignment in respect of property situated in S.No.2371 measuring 0.18 cents at No.25, Salaboogam Village, Kancheepuram Taluk and District in petitioner's favour.

For Petitioner : Mr.S.N.A.Hussainy

For Respondents : Mr.N.Inbanathan
Addl. Govt. Pleader for R1 to R3
Mr.G.B.Rajesh
Standing Counsel for R4



O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 03.01.2018 for issuance of Patta or assignment in respect of property situated in S.No.2371 measuring 0.18 cents at No.25, Salaboogam Village, Kancheepuram Taluk and District in petitioner's favour.

2. The case of the petitioner is that, the petitioner is having a land at S.No.2371, Salaboogam Village, Kancheepuram Town. The adjacent land is Government Poromboke land, where, the petitioner needed 18 cents to dig a well for irrigation purposes. Therefore, in order to get 18 cents in the adjacent land from the Government either for free assignment or for consideration, i.e., value of the land, he has given a representation to the Revenue Divisional Officer as well as Tahsildar concerned, who are the respondents, on 03.01.2018. The said representation since has not been considered by the respondents, the petitioner has approached this Court by filing the present Writ Petition with the aforesaid prayer.

3. Heard Mr.N.Inbanathan, learned Additional Government Pleader appearing for the official respondents 1 to 3, who would submit that, since admittedly, it is a Government land, as a matter of right, it cannot be claimed by the petitioner, any how, since he has made a claim through the representation dated 03.01.2018, the same would be considered on merits and accordingly, the said representation would be decided within a time frame that may be stipulated by this Court.

4. Heard Mr.G.B.Rajesh, learned Standing Counsel appearing for the fourth respondent / Municipality, who would submit that, since for some excavation work or developmental work, 11 cents out of 18 cents claimed by the petitioner is needed for utilization by the fourth respondent / Municipality, therefore, that kind of request made by the Municipality for developmental work, i.e., for assignment of 11 cents out of 18 cents, which is questioned now, therefore, before taking any decision on the representation of the petitioner dated 03.01.2018, the fourth respondent shall also be heard and the request of the fourth respondent also shall be taken into account by the Revenue Officer, then only a decision can be taken on the petitioner's plea.

5. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

6. Since the petitioner has made a request on 03.01.2018 to the second and third respondents with regard to 18 cents of land adjacent to his own land for the purpose of digging the well for the irrigation purpose, whether the same can be given



or not should be decided only by the Revenue Authorities on need basis. In the meanwhile, the fourth respondent / Municipality has also made a request that, 11 cents out of 18 cents is required for the Municipality, since that claim is in the Public Interest it can also be considered by the respondent / Revenue Department.

7. In that view of the matter, this Court is inclined to dispose of this Writ Petition with the following orders:

"That there shall be a direction to the second and third respondents to consider the request of the petitioner dated 03.01.2018 along with the request made already by the fourth respondent / Municipality with regard to the respective claim of the subject land of 18 cents and after giving an opportunity of being heard to both the petitioner as well as the fourth respondent, a decision can be taken by the Revenue Officials, i.e., second and third respondents on need basis and while making such a decision, the paramountcy of the Public Interest if anything comes from the fourth respondent / Municipality, shall be borne in mind and accordingly, a comprehensive decision can be taken by the Revenue Officials and final order to that effect can be passed within a period of three months from the date of receipt of a copy of this order."

8. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

vji

To

1. The Collector,
Kancheepuram District Collector,
Collector Office Compound,
Kancheepuram.

2. The Revenue Divisional Officer,
Collector Office Compound,
Kancheepuram.



3. The Tahsildar,
Collector Office Compound,
Kancheepuram.

4. The Commissioner,
Kancheepuram Municipality,
Kancheepuram District.

+1cc to Government Pleader SR.No.23397

W.P. No. 11913 of 2018
and
W.M.P. No. 13903 of 2018

UM(CO)
GMY(15/07/2021)