



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19194 of 2021
and W.M.P.No.20491 of 2021

Saraswathy

... Petitioner

-Vs-

- 1.The Chief Secretary / Commissioner,
Land and Registration Department,
PWD Estate, Survey House,
Chepauck, Chennai - 600 005.
- 2.The District Collector,
Collector Officer,
Thiruvannamalai District.
- 3.The District Revenue Officer,
District Revenue Office,
Vengikal,
Thiruvannamalai District,
Pincode - 606 604.
- 4.The Revenue Divisional Officer,
Revenue Divisional Office,
Arani, Thiruvannamalai District,
Pincode - 632 301.
- 5.The Thasildhar,
Office of the Thasildhar,
Pollur Taluk, Pollur,
Pincode - 606 603.
- 6.The Village Administrative Officer,
Kalpattu Village,
Kattukanallur Via,
Pollur Taluk,
Thiruvannamalai District,
Pincode - 632 312.

7.Chinnaponnu

... Respondents



Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 and 4 herein to cancel the illegal assignment order issued in favour of the 7th respondent and also in any other person and issue assignment patta in the petitioner favour in respect of Survey No.237/5, 237/6, Kalpattu Revenue Village, Irumbuli Village, by considering petitioner's representation dated 07.07.2021 and further representation dated 14.07.2021 within the stipulated period prescribed by this Hon'ble Court.

For Petitioner : Mr.V.Neethidurai

For R1 to R6 : Mr.V.Jeevagiridharan
Additional Government Pleader.

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents 2 and 4 herein to cancel the illegal assignment order issued in favour of the 7th respondent and also in any other person and issue assignment patta in the petitioner favour in respect of Survey No.237/5, 237/6, Kalpattu Revenue Village, Irumbuli Village 9B-51, by considering my representation dated 07.07.2021 and further representation dated 14.07.2021 within the stipulated period prescribed by this Hon'ble Court.

2. Heard Mr.V.Neethidurai, learned counsel appearing for the petitioner and Mr.V.Jeevagiridharan, learned Additional Government Pleader appearing for the respondents 1 to 6.

3. The case of the petitioner is that the petitioner and their predecessors are in possession and enjoyment of the property comprised in Survey No.237/5, Survey No.237/6, Kalpattu Revenue Village, Irumbuli Village and they are cultivating the lands for the past 50 years. However, they are in possession and enjoyment of the subject land under B-memo. The said land is classified as "Meikkal Poramboke". While being so, the 5th and 6th respondents called the petitioner to handover the possession and enjoyment of the subject land to the 7th respondent on the ground that she was already assigned the subject land. Therefore, the petitioner submitted representations to the respondents 2 to 4 herein to cancel the assignment which was allegedly assigned in favour of the 7th respondent and issue patta in her favour.

4. A perusal of the counter filed by the fifth respondent revealed that the subject land was assigned in favour of the 7th respondent herein, even in the year 2006. Accordingly, the Government of Tamil Nadu issued patta in favour of the 7th respondent.



WEB COPY

5. Except the counter, the fifth respondent failed to state even the date of assignment in favour of the 7th respondent herein. The fifth respondent also failed to produce any records to show that the subject land was assigned in favour of the 7th respondent herein.

6. Even assuming that the 7th respondent was assigned the subject land, even till today no action has been taken to take the possession of the subject land from the petitioner. Further, when the 7th respondent was assigned in respect of the subject land, they also did not take any steps to possess the subject property. Only in the year 2021, the fifth respondent asked the petitioner to surrender the possession of the subject land for the reason that the subject land was already assigned in favour of 7th respondent herein.

7. The learned counsel for the petitioner submitted that as per the Revenue Standing Order 15(23), the assignee shall bring the land under cultivation within a period of three years from the date of assignment. However, admittedly the subject land is in possession and enjoyment of the petitioner and they are cultivating the land.

8. Therefore, the said assignment itself become void and the petitioner is entitled for issuance of Patta. In this regard, the petitioner submitted a representation before the respondents 2 to 4 herein and it is pending.

9. Considering the above, the second respondent is directed to consider the representations of the petitioner, dated 07.07.2021 and 14.07.2021 and after giving an opportunity of hearing to the petitioner and the 7th respondent herein, pass orders on merits and in accordance with law in the light of the above observation, within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Mn



To

1.The Chief Secretary / Commissioner,
Land and Registration Department,
PWD Estate, Survey House,
Chepauck, Chennai - 600 005.

2.The District Collector,
Collector Officer,
Thiruvannamalai District.

3.The District Revenue Officer,
District Revenue Office,
Vengikal,
Thiruvannamalai District,
Pincode - 606 604.

4.The Revenue Divisional Officer,
Revenue Divisional Office,
Arani, Thiruvannamalai District,
Pincode - 632 301.

5.The Thasildhar,
Office of the Thasildhar,
Pollur Taluk, Pollur,
Pincode - 606 603.

6.The Village Administrative Officer,
Kalpattu Village,
Kattukanallur Via,
Pollur Taluk,
Thiruvannamalai District,
Pincode - 632 312.

+lcc to Mr.V.Neethidurai, Advocate SR. No.64700
+lcc to Government Pleader SR. No.65325

W.P.No.19194 of 2021
and W.M.P.No.20491 of 2021

PL (CO)
PR (27/12/2021)