



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.18504 of 2021
(Through Video Conference)

M.R.Magesh

.. Petitioner

Versus

- 1) The District Collector,
Collector Office Chennai,
Singaravelan Maligai,
No.62, Rajaji Salai,
Chennai 600 001
- 2) The Revenue Divisional Officer,
South Chennai Taluk,
Guindy, Chennai 600 032
- 3) The Tahsildar,
Mylapore Taluk Office,
Raja Annamalaipuram,
Chennai 600 028

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 01.07.2021 and to reclassify the petitioner's land from government Poromboke to that of Ryotwari (exempted register) land.

For Petitioner : Mr.A.P.Sathyamurthy
For Respondents: Mr.Yogesh Kannadasan,
Government Advocate

O R D E R

This writ petition has been filed seeking for a Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 01.07.2021 to reclassify the petitioner's land from 'Government Poromboke' to that of 'Ryotwari (exempted register) land' and pass appropriate orders within the time frame to be fixed by this Court.



2. The petitioner's father late T.M.Rajappa purchased 3355 sq.feet of land situated at Raji Naicker Street, Teynampet comprised in O.S.No.1050 R.S.No.3780, by way of a registered sale deed bearing Doc.No.777 of 1971 and Doc.No.252 of 1975 registered before the S.R.O., Mylapore. The petitioner's father had put up a house over the above said land and the petitioner was in enjoyment and possession of the same and they were also paying the relevant taxes to the concerned Authority.

3. The learned counsel for the petitioner submitted that there is no outstanding due as on date in the payment of taxes and therefore, the petitioner tried to obtain patta for the said property, by way of submitting an application before the third respondent and the third respondent informed the petitioner that the petitioner's property was wrongly uploaded in the Government records as 'Government poramboke' instead of 'Ryotwari land (exempted register)'. In this regard, the petitioner sent a representation on 20.11.2019 to the third respondent to mutate the classification of his land from that of 'Government poramboke' to 'ryotwari land'. Pursuant to the same, the third respondent conducted an enquiry and has given a finding that the petitioner's land has been wrongly uploaded in the computer while updating the records of the permanent land register and the third respondent also has informed the petitioner vide communication dated 14.10.2020 that the petitioner's land along with some other lands comprised in Mylapore Block.74, R.S.No.3780/1 have been wrongly classified and uploaded as 'Government poramboke' instead of 'Ryotwari (exempted register)'.

4. The petitioner approached the second respondent seeking to reclassify his land from that of 'Government poramboke' to 'ryotwari (exempted register) land'. The first respondent, who is the competent Authority herein, is alone empowered to reclassify the lands in the concerned Register and the second respondent rejected the claim made by the petitioner. Thereafter, the petitioner made a representation to the first respondent on 01.07.2020 seeking for reclassification of his land from 'Government poramboke' to that of 'ryotwari (exempted land)'. Till date, the first respondent has not considered the request made by the petitioner. Therefore, the petitioner left with no other alternative remedy has sought for the indulgence of this Court, as from 20.11.2019, the petitioner has been approaching the respondent Authorities and the Authorities have not acted upon the representation made by the petitioner and only during the enquiry, the Tahsildar came to a conclusion that classification of the petitioner's land has been wrongly uploaded in the Government Records.



5. The petitioner, being the owner of the property is unable to get the patta for his lands and has been made to run from pillar to post. Aggrieved by the same, the petitioner has now approached this Court by way of filing this Writ Petition to reclassify his land, which was wrongly uploaded in the government records and he also made a representation dated 01.07.2021 to the respondents, enabling the petitioner to proceed further for obtaining patta for the aforementioned property.

6. On going through the typed set of papers and documents of sale deed bearing Doc.No.777 of 1971 and Doc.No.252 of 1975, the representation made by the petitioner dated 01.07.2021 and the letters of the second respondent dated 14.10.2020 and 08.06.2021, wherein they have stated that the said land has been converted as 'Ryotwari land (exempted register)' and Thiruvalluvar Nayanar Temple is the original owner and the same will be updated in the computer records. Hence, this Court directs the competent Authority, namely the District Collector/ first respondent herein to consider the representation made by the petitioner dated 01.07.2021 and also to decide the ownership of the land in question after perusing the records and to pass appropriate orders on merits and in accordance with law within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is Disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

- 1) The District Collector,
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SS (CO)
SP (09/11/2021)