

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.16783 of 2018

J.S.Vivekananthan

.. Petitioner

Vs.

1. The District Collector,
Vellore District,
Vellore.
2. The Revenue Divisional Officer,
Office of the Collectorate,
Vellore District.
3. The Tahsildar,
Tirupattur,
Vellore District.
4. The Commissioner,
Tirupattur Municipality,
Tirupattur, Vellore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant patta in petitioner favour in respect of land (1500 sq.feet) situated in Survey No.339/65 at No.12, Lakshminathar Street, Tirupattur, Vellore District, within a reasonable time.

For Petitioner : Mr.S.Sivakumar
For Respondents : Ms.A.Madhumathi
Special Government Pleader

O R D E R

This writ petition is for issuing a Writ of Mandamus, directing the respondents to give patta to the petitioner in respect of the land measuring an extent of 1500 sq.ft. in S. No.339/65 at No.12, Lakshminathar Street, Tirupattur, Vellore District.

2. Brief facts that are set out in the affidavit filed in support of the writ petition are as follows: The petitioner was originally residing in Arasamaram Street, Tiruppattur. Since the land which was in the enjoyment of the petitioner was acquired by the Government for constructing a school, it is stated by the petitioner that petitioner's family was displaced under a promise that they would be allotted an alternative accommodation in another street, namely Lakshminathar Street, Tiruppattur. Stating that the petitioner thereafter, occupied the land measuring an extent of 1500 sq.ft. in the present location in Survey No.339/65, the petitioner submitted a representation before the Tahsildar for grant of patta, relying upon the report of the Tahsildar dated 15.02.2002 to the District Collector saying that an extent of 1500 sq.ft. can be converted as 'Nagara Nattham', and also stating that he is in enjoyment of the property by putting up a construction for more than 30 years.

3. The learned counsel appearing for the petitioner submitted that petitioner's application was recommended by the Tahsildar and that therefore, his request for granting patta should be favourably considered by the District Collector.

4. Though the petitioner has stated several things in his affidavit filed in support of the petition, he has not produced before this court any material to show that his patta land was earlier acquired and that he was promised an alternative accommodation. The documents filed by the petitioner, however, indicate otherwise. Only for the first time, the petitioner has approached the Tahsildar in 2002 for issuance of house site patta. The Tahsildar in his report in 2002 has indicated that an extent of 1500 sq.ft. can be reclassified as 'Nagara Nattham'.

5. It is to be seen that the report itself is self-contradictory. In one place, the Tahsildar indicates that an extent of 1500 sq.ft. has been reclassified as 'Nagara Nattham' and it is also stated that an extent of 1500 sq.ft. is proposed to be converted as 'Nagara Nattham'. The entire report of the Tahsildar dated 15.07.2002 relied upon by the petitioner is a work of an irresponsible officer who is not expected to make such report. This court cannot rely upon such report, as the Tahsildar has no authority to classify the land. The petitioner further states that he is entitled to patta in view of the fact that he is residing in the property for more than 30 years by putting up a construction. From the representation of the petitioner and the documents produced before this court, this court gets the first impression that the petitioner is also a land grabber who tries to grab Government's land. Hence this court is not inclined to entertain the writ petition of the petitioner.

6. The learned Special Government Pleader appearing for the respondents submitted that the land to which the petitioner claims patta falls within the property classified, as per the records maintained by the local body, as 'street'. The encroachment in street cannot be regularised. Since the petitioner has not come to court with clean hands and the documents filed by the petitioner are not reliable, this court cannot grant any relief to the petitioner.

7. Accordingly, this writ petition is dismissed. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ASR

To

1. The District Collector,
Vellore District,
Vellore.
2. The Revenue Divisional Officer,
Office of the Collectorate,
Vellore District.
3. The Tahsildar,
Tirupatthur,
Vellore District.
4. The Commissioner,
Tirupattur Municipality,
Tirupattur, Vellore District.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.18023
+1cc to the Government Pleader, S.R.No.18184

W.P.No.16783 of 2018

SR-II(CO)
TE (28/04/2021)