



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18245 of 2021

Jayarani

...Petitioner

Vs.

1. The District Collector
Chengalpattu Collector Office,
Chengalpattu District
2. The Revenue Divisional Officer,
o/o the Revenue Divisional Officer,
Chengalpattu,
Chengalpattu District
3. The Tahsildar,
Thirukkazhukundram Tahsildhar Office,
Thirukkazhukundram
Chengalpattu District.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to consider petitioner's Patta Application dated 18.11.2020 and to issue patta to the petitioner land comprised in Survey No.337/1, admeasuring to the extent of 11 $\frac{1}{4}$ Cent, situated in Melperumalchery village, Thirukkazhukundram Taluk, Chengalpattu District.

For Petitioner : Mr.A.Venkatesan

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to consider petitioner's Patta Application dated 18.11.2020 and to issue patta to the petitioner land comprised in Survey No.337/1, admeasuring to the extent of 11 $\frac{1}{4}$ Cent, situated in Melperumalchery village, Thirukkazhukundram Taluk, Chengalpattu District.



2. According to the petitioner, in the year 1977, the petitioner's father-in-law, namely Panchatcharam Nayakkar has occupied the land in Survey No.337/1, admeasuring to the extent of 11 $\frac{1}{4}$ cent, situated in Melperumalchery village, Thirukkazhukundram Taluk, Chengalpattu District and he had put up a hut and obtained an electricity connection no.510-004-96 in his name and after his demise, the petitioner has raised a concrete house in the same and obtained electricity connection and have been paying house tax to the authority concerned from the year 2003 to 2009. Further, the said land is classified as 'Meikkal Poromboke' but the 3rd respondent has issued patta to the petitioner's neighbors, who are residing in the same classification of land. Therefore, the petitioner had applied for patta to the 3rd respondent on 27.06.2019 and on 18.11.2020. Though Village Administrative Officer has conducted enquiry and submitted the report to the 3rd respondent, the 3rd respondent has not issued patta in the name of the petitioner, hence this petition.

3. The learned counsel for the petitioner submits that there no cattle and animal husbandry activities in the village and therefore, Meikkal Poramboke would come under the category of 'Unobjectionable Poromboke land' and suitable for issuing patta. Since there is no action initiated on the petitioner's patta applications, the petitioner has sent the representations to the 1st and 2nd respondents through the registered post and sought them to issue patta to the housing land of the petitioner, however, the same has not been disposed of till date. Therefore, pleaded to direct the 3rd respondent to grant patta.

4. The learned Government Advocate appearing for the respondents has submitted the proceedings passed by the Tahsildar, Thirukazhukundram in Na.Ka.No.1811/2021M1 dated 01.09.2021.

6. Heard the learned counsel on either side and perused the documents placed on record.

7. On perusal of the proceedings passed by the Tahsildar, Thirukazhukundram in Na.Ka.No.1811/2021M1 dated 01.09.2021, it is found that subject property, viz., Survey No.337/1, which consists of 0.18.0 ares is classified as 'Mandaiveli'. The said land belongs to Animal Husbandry department, Government Poramboke Objectionable land and there is no encroachment in the said property. Further, the Tahsildar had observed that in-order allot a housing plot for three cents, the Government has to issue an order and as of now, the G.O.Ms.No.318 dated 30.08.2019 has been expired and that there is no provision to grant patta for 11.25 cents.



8. Upon scrutinising the G.O.Ms.No.318 dated 30.08.2019, it is seen that the Government has observed that the landless persons, who have encroached certain lands, the said persons can be allotted three cents of land for residential purpose and the enquiry shall be conducted with a period of one year and the same shall be intimated, that being the case, the petitioner's claim was rejected by the authorities concerned. If there is objection for allotment of land to the petitioner, the same should be informed to the petitioner, who has submitted several representations and filed this writ petition. Therefore, the 3rd respondent is directed to consider the said representations, intimate the situation prevailing as on date and pass appropriate orders on merits and in accordance with law in the said representations within a period of six weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the present Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The District Collector,
Chengalpattu Collector Office,
Chengalpattu District.
2. The Revenue Divisional Officer,
o/o the Revenue Divisional Officer,
Chengalpattu,
Chengalpattu District.
3. The Tahsildar,
Thirukkazhukundram Tahsildhar Office,
Thirukkazhukundram,
Chengalpattu District.

+lcc to the Government Pleader, S.R.No.45510

W.P.No.18245 of 2021

KSM[co]

NSK 27/09/2021