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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. NO.20275 OF 2021

AND

W.M.P. NO.21528 OF 2021

A.Ravichandran,
S/o. Arunachalam,

... Petitioner

-Vs-

1. The Secretary,
Revenue Department, Secretariat,
Fort St.George, Chennai - 600009.
2. The District Collector,
Collector Office,
Tiruvannamalai Town & District-606604.
3. District Revenue Officer,
District Revenue Officer office,
Collectorate Building,
Tiruvannamalai Town & District - 606604.
4. Revenue Divisional Officer,
Aarani kottam, Arani-632301
Tiruvannamalai District
5. The Tahsildar,
Tahsildar Office, Polur Town & Taluk,
Tiruvannamalai District.

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the Respondents herein to consider and dispose of the Petitioner's representation dated 31.08.2021 and consequently direct the 5th Respondent to issue Patta to the Petitioner in respect of the land comprised in Survey No. 132/1, measuring an extent of about 0.20.0 Hectare, situated at Venmani Village, Karapoondi Post, Polur Taluk, Tiruvannamalai District - 606803 and pass orders accordingly.



For Petitioner
For Respondents

:: M/s. Dr. R. Gouri
:: Mr. Yogesh Kannadasan
(Government Advocate)

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O R D E R

The relief sought for in this writ petition is for a direction to the Respondents herein to consider and dispose of the Petitioner's representation dated 31.08.2021 and consequently, direct the 5th Respondent to issue Patta to the Petitioner in respect of the land comprised in Survey No. 132/1, measuring an extent of about 0.20.0 Hectare, situated at Venmani Village, Karapoondi Post, Polur Taluk, Tiruvannamalai District - 606803 and pass orders accordingly.

2.The learned counsel for the petitioner would submit that the petitioner's father executed Will dated 11.02.1999 registered as Document No: 2/BK3/99 on the file of the Sub Registrar Office, Polur and bequeathed the property in favour of the petitioner and his brother by name A Sampath. Thereafter, the petitioner's brother A.Sampath had executed the Gift Settlement Deed dated 23.12.2009, registered as Document No: 3793/2009 before the Sub Registrar Office, Polur and bequeathed the property including Well & 5 HP EMP SC-36 in favour of the petitioner herein. From then onwards, the petitioner is in the absolute possession and enjoyment of the land comprised in Survey No.136/2B measuring an extent of about 0.30.5 hectares and Survey No. 136/2C measuring an extent of about 0.01.50 hectares, which includes Well and 5 HP EMP SC-36 (hereinafter referred to "the Said Property"). Further, the petitioner has obtained Patta No. 4, for Survey No. 136/2B and Patta No. 110 for Survey No. 136/2C in his name. Further, Adangal and Chitta has been obtained for the said Property.

3. It has been further submitted that adjacent to the said Property of the Petitioner, in Survey No. 132/1, having an extent of 0.20.0 Hectare of the Poromboke land in Venmani Village, Karapoondi Post, Polur Taluk, Tiruvannamalai District 606803 is classified as Battai Poromboke (hereinafter referred to as "the Said Land") is situated in which the petitioner's father had invested huge sum of money to clear the said Battai Poromboke land by removing the shrubs, plant matters and other debris and thereby made the Said Land fit for cultivation. Subsequently, the petitioner's father fenced the said Land and was doing cultivation by harvesting seasonal crops like Paddy, Groundnut, Ragi. Sugar-cane, Sesame seeds etc. Further, the irrigation facility of said Land is being carried out from the well situated in the said Property.



4. The learned counsel for the petitioner would further submit that after demise of the petitioner's father, the petitioner is doing cultivation in the said land for 22 years. Even though it is "Battai Poromboke", it is never used as pathway for the past 60 years. Further, the Petitioner is paying the property tax to the Survey No. 132/1 to the Revenue authority till date without fail. While the petitioner along with his family is continuing to perform agricultural operation in the said Land for the past 60 years and he is paying the property tax for the said land to the Revenue authority for the past 60 years, in the meanwhile, on 20.08.2021, VAO and their office bearers visited and conducted the inspection over the said Land under survey operation. As the petitioner being absolute possession of the said Land and doing cultivation for the past 60 years, he has made a representation dated 31.08.2021 to the Respondents to issue Patta to "Battai Poromboke" land. Despite of paying property tax by the Petitioner, the respondents have neither taken any steps nor passed any order on his representation. Hence, the petitioner is left with no other alternative and efficacious remedy except to approach this Court by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents herein to consider and dispose of the Petitioner representation dated 31.08.2021 and consequently direct the 5th Respondent to issue Patta to the Petitioner in respect of the land comprised in Survey No. 132/1, measuring an extent of about 0.20.0 Hectare, situated at Venmani Village, Karapoondi Post, Polur Taluk, Tiruvannamalai District - 606803 and pass orders accordingly. Hence this Writ petition.

5. The learned Government Advocate for the respondents would submit that as the petitioner is said to have cultivated the said land for the past 60 years from the age of his father and paid the property tax for the said land, he has submitted a representation on 31.08.2021 before the respondents. Hence, the respondents may be directed to consider his representation dated 31.08.2021 as per the rules and regulations and pass appropriate orders accordingly after the verification of relevant revenue records.

6. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.

7. Having considered the facts and circumstances of the case and submissions made by the learned Counsel appearing for both sides, without expressing any opinion with regard to the merits of the case, as the prayer of the petitioner is to only consider his representation dated 31.08.2021, the respondents are directed to consider and pass appropriate orders on the



representation dated 31.08.2021 made by the petitioner herein within a period of four months from the date of receipt of copy of this order in accordance with law.

8. With the aforesaid directions, the Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The Secretary,
Revenue Department, Secretariat,
Fort St.George, Chennai - 600009.
2. The District Collector,
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Tahsildar Office, Polur Town & Taluk,
Tiruvannamalai District.

+1cc to the Government Pleader, S.R.No.49511

W.P. No.20275 of 2021
and
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VBM(CO)
PM/25/10/2021