

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.18691 of 2018

N.Latha

..Petitioner

-Vs-

1.The District Collector
Namakkal District
Namakkal.

2.The Tahsildar
Senthamangalam Taluk
Namakkal District.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to grant Chitta Adangal based on application dated 18.06.2018 in respect of village Survey No.78/15 measuring about 0.30.0 hectare extent, Namakkal Taluk, Namakkal District.

For Petitioner : Mr.D.Sreenivasan

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to grant Chitta Adangal based on application dated 18.06.2018 in respect of village Survey No.78/15 measuring about 0.30.0 hectare extent, Namakkal Taluk, Namakkal District.

2. The case of the petitioner is that, the petitioner was given assignment / D-Namuna Patta on 14.02.2004 in respect of the land situated at Thotamudaiampatti village, Namakkal Taluk, Namakkal District to an extent of 0.30.0 hectares. Though such a patta was given and since then she had been in possession and enjoyment of the property, and she has been paying the land kist also, Chitta and Adangal were not furnished to the petitioner. Therefore, in order to get the same, the petitioner has given representations dated 12.09.2016 and 18.06.2018 to the respondents and despite the said representations given by the

petitioner, no action seems to have been taken by the respondents and therefore, the petitioner has approached this Court by filing this writ petition with the aforesaid prayer.

3. Heard Mr.D.Sreenivasan, learned counsel for the petitioner, who would submit that, despite the request repeatedly made to get Chitta and Adangal for the land in question, which has been entrusted by way of D-Namuna Patta / assignment to the petitioner, since the same were not considered so far, she had no other option except to file this writ petition and seeks the indulgence of this Court to give suitable direction to the respondents especially to the second respondent Tahsildar.

4. Per contra, Mr.Inbanathan, learned counsel for the Additional Government Pleader appearing for the respondents, by relying upon the following averments made in the counter affidavit would submit that, despite the request made on 01.08.2008 by the second respondent to the petitioner to produce the original documents available with the petitioner, she has not responded. Therefore, her request could not be considered. The relevant portion of the averments in this regard made in the counter affidavit reads thus,

" 13) With regard to averment in Para 4, it is submitted that the applicant has no locus standi for a copy of Chitta and Adangal in respect of unavailable property in village records and on Ground as SF.78/15 measuring 0.30.0 Hectares.

14) With regard to averment in Para 5, it is submitted that though the writ petitioner was advised by the Tahsildar, Namakkal in Letter SR.177/2008(A9) dated 1.8.2008 to produce original records in her favour in person, she did not come forward to produce the relevant records for the reasons best known to her."

5. Therefore, the learned Additional Government Pleader would submit that, if at all the petitioner comes forward to produce the original records including the D-Namuna Patta before the second respondent, certainly on receipt of the same, needful would be done within a time frame.

6. I have considered the submissions made by the learned counsel for the petitioner as well as the learned Additional Government Pleader and also perused the materials placed on record.

7. Since the very land in question has been assigned by the second respondent through D-Namuna Patta dated 14.02.2004 to and

in favour of the petitioner and that is the only document probably would be available with the petitioner to claim Chitta and Adangal for the land in question, and whether the original of the said D-Namuna Patta issued in favour of the petitioner dated 14.02.2004 has been produced to the second respondent for consideration of her request for grant of Chitta and Adangal is not known.

8. Be that as it may. Now, in view of the stand taken by the second respondent as explained in the counter affidavit referred to above, and after taking into account the contentions raised in this regard by the learned Additional Government Pleader appearing for the respondents, this Court is of the view that, this writ petition can be disposed of with the following order.

9. That the petitioner is hereby directed to produce the original D-Namuna Patta copy dated 14.02.2004 to the second respondent along with any other documents available with her within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the second respondent shall act upon and decide the request of the petitioner for grant of Chitta and Adangal by considering her representations in this regard made on 12.09.2016 and 18.06.2018 within a period of eight weeks thereafter. With the above direction, this writ petition is disposed of. No costs.

s/d-

Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

KST

To

1. The District Collector
Namakkal District
Namakkal.

2. The Tahsildar
Senthamangalam Taluk
Namakkal District.

+1 CC to The Government Pleader sr 23660.

W.P.No.18691 of 2018

GPL (CO)
SP(19/05/2021)