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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.21521 of 2021

P.Pakkiri

...Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Revenue Secretary,
Secretariat, St.George Fort,
Chennai - 600 009.
2. The District Collector,
Office of the Collectorate,
Chengalpattu.
3. The Revenue Divisional Officer,
Chengalpattu.
4. The Special Tahsildar,
Natham Land Tax Scheme,
Chengalpattu.
5. The Special Tahsildar,
Thirupporur Taluk,
Chengalpattu District.
6. The Village Administrative Officer,
Kovalam Village,
Thirupporur Taluk,
Chengalpattu District.
7. The President,
Kovalam Village Panchayat,
Vanagaram.
8. The Deputy Superintendent of Police,
Mamallapuram,
Chennai.



9. The Inspector of Police,
E-8 Kelambakkam Police Station,
Chennai.

...Respondents

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Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing 3rd respondent herein to issue patta for the petitioner's lands comprised in Survey No.75/4 based on the petitioner's representation dated 07.07.2021 submitted to the 3rd respondent.

For Petitioners : Mr.J.Kather Hussain

For Respondents : Mr.V.Veluchamy
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the 3rd respondent herein to issue patta for the petitioner's land comprised in Survey No.75/4 based on the petitioner's representation dated 07.07.2021 submitted to the 3rd respondent.

2. According to the petitioner, he is a senior citizen (septuagenarian) who aged about 70 years and he was retired from as an Office Assistant in the Tamil Nadu State Planning Commission, in which, he was working from 1972 to 2010. He rendered an unblemished service with high amount of moral and ethical dedication. He had the privilege of working under the great Indian Development Economist Padma Bhusan Sri Malcolm Adiseshiah. His paternal and maternal ancestors were living in the Kovalam Village, Thiruporur Taluk, Kancheepuram District for the past six decades, presently, under Chengalpattu District in the lands comprised in Survey No.75/2, 75/3, his father's lands comprised in the adjacent Survey No.75/4. In 1988, State Government of Tamil Nadu launched "Natham Settlement Scheme" through which persons who possessed the Natham Poramboke lands were given Patta for the aforesaid lands. At the time of settlement, his family had moved to Chennai whereas, his paternal uncles and other siblings continued to live in Kovalam Village. In 1996, while the "Assistant Settlement Officers" assigned patta for the residents in Kovalam village and recorded the same in the Natham Land Tax Scheme Adangal Register. While



the petitioner's uncle's siblings were assigned patta for the lands comprised in S.No.75/2, 75/3 his father's land comprised in the adjacent Survey No.75/4 was kept in "held over" list since the petitioner's family moved to Chennai. When the petitioner came to know about the facts, he made attempts to get patta from the year 2000 for the aforesaid survey numbers. Hence, he had sent many representations to the District Revenue Authorities, but the same was not considered by the respondents. After his retirement in the year 2010, the petitioner got settled in his ancestral village namely Kovalam and started to construct two thatched huts and got electricity connection and also paying land tax from the year 2003. Meanwhile, some third parties by using fabricated documents in the name of the petitioner and without his knowledge tried to trespass into the huts and forcibly tried to evict the petitioner's brother and sister. After the intervention of the Kovalam Police, the 9th respondent herein, issue was given a quietus and the complaint is pending before the Kovalam Police Station. In February, 2021, the Tamil Nadu Government has decided to settle the patta disputes that are pending for more than 25 years for residents who are living in non-objectionable lands which are classified as "Natham" in Government records. Therefore, he sent a representation dated 07.07.2021 attaching all the tax receipts, EB cards and Aadhar card to substantiate his claim along with the residence verification furnished by the Village President and the Village Administrative Officer. The petitioner has sent many representations to the Tamil Nadu Chief Ministers grievance redressal cell and submitted a representation to the newly launched campaign titled 'Ungal Thogithiyil Stalin', till date, no action has been taken by the authorities/respondents. Hence the petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition is filed.

3.The learned counsel appearing for the petitioners submitted that the petitioner will be satisfied if a direction is issued to the 3rd respondent herein to issue patta for the petitioner's lands comprised in Survey No.75/4 based on the petitioner's representation dated 07.07.2021.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 3rd respondent to consider the petitioner's representation dated 07.07.2021 and pass appropriate orders, on



merits and in accordance with law, after issuing notice to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gba/msm
To

1. The Revenue Secretary,
State Government of Tamil Nadu
Secretariat, St.George Fort, Chennai - 600 009.
2. The District Collector,
Office of the Collectorate, Chengalpattu.
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srg 11/11/2021