



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 6060 of 2017

and

W.M.P.No. 6497 of 2017

Thenmozhi

....Petitioner

Vs

1. The Secretary to Government,  
Revenue and Land Administration Department,  
Government of Tamil Nadu,  
Fort St.George,  
Chennai - 600 009.
2. The District Collector,  
Kanchipuram District,  
Kanchipuram.
3. The Tahsildar,  
Sozhinganallur Taluk Office,  
Sozhinganallur,  
Chennai - 600 057.

....Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the third respondent viz., The Tahsildar, Sholinganallur Taluk, Chennai - 600 057 in his proceedings in Na.Ka.No.3246/2016/A2, dated 03.11.2016 and quash the same and consequently directing the third respondent to produce all the revenue records pertaining to the lands in the survey No.402 with an extend of 5 acres at Semmancheri Village from the year 1972 till date and if it reveals that the assignment is made in favour of the petitioner's father-in-law late Kuzhanthaisami, an Ex-Military official cum freedom fighter and also to issue patta for the land in favour of the petitioner.



WEB COPY

For Petitioner : Mr.C.Santhoshkumar

For Respondents : Mr.M.R.Gokul Krishnan  
Government Advocate

#### ORDER

This Writ Petition has been filed to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the third respondent viz., The Tahsildar, Sholinganallur Taluk, Chennai - 600 057 in his proceedings in Na.Ka.No.3246/2016/A2, dated 03.11.2016 and quash the same and consequently directing the third respondent to produce all the revenue records pertaining to the lands in the survey No.402 with an extend of 5 acres at Semmancheri Village from the year 1972 till date and if it reveals that the assignment is made in favour of the petitioner's father-in-law late Kuzhanthaisami, an Ex-Military official cum freedom fighter and also to issue patta for the land in favour of the petitioner.

2. The case of the petitioner is that her father-in-law was soldier served in the Indian National Army and he was also a Freedom Fighter. Considering the said fact, the Government of Tamil Nadu allotted 5 acres of land comprised in survey No. 402 in Semmancherry Village, Sozhinganallur Taluk, Kanchipuram District in the year 1973. After his demise, the petitioner made a representation to the third respondent for issuance of patta. The said application was kept in cold storage. Thereafter, the petitioner filed a Writ Petition before this Court in W.P.NO.5269 of 2016 and this Court directed the third respondent to consider the same and pass orders. The third respondent failed to comply with the order passed by this Court and as such, the petitioner filed a contempt petition before this Court in Cont.P.No.2430 of 2016. Thereafter, the third respondent considered the representation of the petitioner and rejected the same for issuance of patta for the property comprised in survey No.402 to an extent of 5 acres.

3. Heard, Mr.C.Santhoshkumar, learned counsel appearing for the petitioner and Mr.M.R.Gokul Krishnan, Government Advocate appearing for the respondents.

4. A perusal of the records reveals that the petitioner did not produce any iota of evidence to show that her father-in-



law was allotted 5 acres of land in survey No.402. Even according to the petitioner, the said land is covered with tansane bushes. The petitioner is unable to locate the boundaries of the land. It further reveals that her father-in-law is an encroacher of the land and there was no sign of cultivation by him.

5. That apart, there was a ban on assignment in belt area within 32 kilometers from Chennai City limit as per G.O.Ms.1135, Revenue Department, dated 16.03.1962. The subject land is situated near Chennai City belt area and now the patta lands are being converted into house sites as per Government letter No.36741/LD3 97-1, Revenue, dated 15.07.1997. Therefore, there is no sign of allotment in favour of her father-in-law at any point of time. That apart, the subject land is an extent of 5 acres and at any cost cannot be issued patta in favour of the petitioner. Therefore, the third respondent rightly rejected the claim of the petitioner.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the third respondent. Therefore, the Writ Petition is devoid of merits. Accordingly, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No cost.

Sd/-  
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The Secretary to Government,  
Revenue and Land Administration Department,  
Government of Tamil Nadu,  
Fort St.George,  
Chennai - 600 009.
2. The District Collector,  
Kanchipuram District,  
Kanchipuram.



3. The Tahsildar,  
Sozhinganallur Taluk Office,  
Sozhinganallur,  
Chennai - 600 057.

WEB COPY

+1cc to Mr.A.G.Rajan, Advocate, S.R.No.42945

+1cc to the Government Pleader, High Court, Madras, S.R.No.42698

W.P.No. 6060 of 2017  
and  
W.M.P.No. 6497 of 2017

AK-II (CO)  
SU (22/09/2021)