



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.04.2021

CORAM

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THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.26252 of 2017
and W.M.P.No. 27919 of 2017

1. Mrs.M.Kamala Bai (Deceased)
 2. M.Ravikumar
 3. M.Sivakumar
- (Petitioners 2 and 3 are substituted as Legal Representatives of the deceased first Petitioner M.Kamalabai as per the order dated 11.04.2018 by TRJ in WMP 5910/2018 in W.P.No.26252/2017 ... Petitioners

-Vs-

- 1.The State of Tamil Nadu rep.by
Secretary to Government,
Industries Department,
Fort St.George, Chennai-600009.
- 2.The Special Tahsildar (LA)
Aromatic (Complex) Project
Saidapet, Chennai 600 015.
- 3.The Tahsildar, Office of the
Tahsildar, Madhavaram,
Madhavaram Taluk,
Chennai 600 060.
- 4.The District Collector
Office of the Collector
Tiruvallur.
- 5.The Deputy General Manager
(Admn), C.P.C.L., Manali
Chennai 600 068. ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to demarcate and grant patta for the petitioner's property described in the schedule contained in the petition (vide separate sheet attached herewith) marked as green colour in the rough sketch attached thereon.



For Petitioner : Mr.G.Suryanarayanan
For Respondents : Mr.N. Inbanathan,
Additional Government Pleader -for R1-4
Mr.Arjun Suresh - for R5

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O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to demarcate and grant patta for the petitioner's property described in the schedule contained in the petition marked as green colour in the rough sketch attached thereon.

2. The first petitioner was having land at various S.Nos.92/1A, 92B, 92/1A1, 176/1A1, 176/2A, 176/2B, 176/3A, 176/3B, 87/1 and 87/B situated at Mathur village, Tiruvottiyur Taluk, Tiruvallur District, as she inherited the property from her parents as the only surviving legal heir.

3. While that being so, in the year 1990, certain lands out of the said lands belonging to the petitioner have been acquired by the land acquisition authorities invoking the provisions of the Land Acquisition Act.

4. Insofar as the acquired land is concerned, the petitioner has no dispute. However, certain lands in Survey Numbers as stated in the representation dated 12.06.2017 have not at all been acquired by the Land Acquisition authorities. In respect of the said unacquired lands, the petitioner is entitled to get patta for which, she made a request on 12.06.2017 to the respondents to demarcate the unacquired lands and grant patta for the said lands. Since the said representation was not considered and orders were not passed, the petitioner has approached this Court with the present writ petition with the aforesaid prayer.

5. Heard Mr.Suryanarayanan, learned counsel for the petitioner who has reiterated the aforesaid facts and would seek the indulgence of this Court to give a direction to the respondents for consideration of the said request of the petitioner for giving patta to the unacquired lands belonging to the petitioner.

6. At the time of filing of the writ petition, one Kamalabai, was the writ petitioner, who was the sole owner of the property in question. However, during the pendency of the writ petition, since she died, the petitioners 2 and 3 herein were impleaded as her legal heirs. Accordingly, the present petitioners are the owners of the land in question for which they seek patta.

7. On the other hand, Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondents would submit that, if at all any unacquired lands belonging to the original



petitioner, which has been inherited by the present petitioners and in respect of the said land, the petitioners 2 and 3 seek for patta, if they had given any representation dated 12.06.2017 and if the same has not yet been considered, that would be certainly considered and accordingly needful would be done on merits and in accordance with law within a time frame to be stipulated by this Court.

8. In view of the said facts, where admittedly some of the lands belonging to the petitioners have already been acquired and insofar as the remaining unacquired lands is concerned, there could be no impediment for the Revenue authorities to consider the request of the petitioner dated 12.06.2017 and if the petitioners are eligible to get patta for the unacquired land, as claimed by them, certainly the same shall be considered and appropriate orders should be passed.

9. In that view of the matter, this writ petition is disposed of with the following order. That there shall be a direction to the third respondent to consider the representation of the petitioners dated 12.06.2017 and after giving an opportunity of being heard to the petitioners, the third respondent shall take efforts to decide the request made by the petitioners with regard to the grant of patta for the unacquired lands, as claimed by them in the said representation and accordingly final orders to that effect shall be passed by the third respondent within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

SCHEDULE OF PROPERTY

All that piece and parcel of lands to a total extent of Acre 1.42 cents of vacant land comprised in Survey Nos. 1) 176/1B2 - 0.20 Ares, 2) 176/1A1 - 0.13.0 Ares, 3) 176/1A2 - 0.13.0 Ares, 4) 176/3A - 0.17.5 Ares, 5) 176/2B - 0.22.5 Ares, 6) 92/2 - 0.26.0 Ares, and 7) 87/1B - 0.24 Ares situated at Mathur Village, Tiruvottiyur Taluk, Tiruvallur District and marked as Green in the Rough Sketch attached.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



To

1.The Secretary to Government,
Industries Department,
Fort St.George, Chennai-600009.

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2.The Special Tahsildar (LA)
Aromatic (Complex) Project
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3.The Tahsildar, Office of the
Tahsildar, Madhavaram,
Madhavaram Taluk,
Chennai 600 060.

4.The District Collector
Office of the Collector
Tiruvallur.

5.The Deputy General Manager
(Admn), C.P.C.L., Manali
Chennai 600 068.

+2ccs to Mr.G.Suriyanarayanan, Advocate SR.No. 23060

+1cc to Mr.S.Arjun Suresh, Advocate SR.No. 23470

+1 cc to Government Pleader Sr.No. 23402

W.P.No.26252 of 2017

AJS (CO)

B.VC(14.07.2021)