

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

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THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.2912 of 2022
and WMP.No.3049 of 2022

K.S.Loganathan

..Petitioner

Versus

1.The District Collector,
Kancheepuram District (Then)
Chengalpattu Taluk & District.

2.The Revenue Divisional officer,
Chengalpattu.

3.The Tahsildar,
Chengalpattu Taluk,
Chengalpattu.

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 15.07.2019 and grant joint patta in favour of the petitioner and his family members in survey No.99 (Old Survey No.62) over an extent of 5 acres (2.0.00 hectares) in No.20, Keerapakkam Village, Chengalpattu Taluk nd District within the time prescribed by this Court

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.G.Nanmaran
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking direction to the respondents to consider the petitioner's representation dated 15.07.2019 and grant joint patta in favour of the petitioner and his family members.

2. The facts of the case are as follows:

The petitioner's father Selvaraj had purchased land over an extent of 2 Acre in Survey No.99, Old Survey No.62 in Keerapakkam village, Chengalpattu Taluk, as per document No.790 of 1966 and on the same survey number over an extent of 3 acres as per Document No.792 of 1966. After purchasing the said land, he had reclaim the same by spending huge amount and made the land cultivatable and cultivating the Manavari Crops. The

petitioner's father died on 13.01.1990, thereafter, his mother and other brother and sisters are jointly enjoying the entire lands by cultivating manavari crops. The above said land as per revenue record, classified as Kallanguthu. The petitioner's father name is found place in the Adangal Extract as encroacher along with other 39 persons. In march, 2019, the revenue authorities tried to evict the petitioner's family without any due process of law. Hence, they filed a civil suit before the District Munsif Court, Chengalpattu in O.S.No.70 of 2019 with a prayer of permanent injunction restraining the defendants, their, men, agents from any anyway disturbing or dispossessing the plaintiff's from the suit property without any due process of law, the said suit is still pending. Thereafter, the petitioner submitted an application to the District Collector on 15.07.2019 requesting them to grant patta for the above said extent of 5 Acres in survey No.99 of Keerapakkam Village, Chengalpattu Taluk and District in favour of the petitioner and the same is pending with the first respondent. Till date, no action has been taken. Hence, the present writ petition has been filed before this Court with the above said prayer.

3. The learned counsel for the petitioner submitted that the petitioner has not possessed the title over the property. However, the petitioner has no occupation and the petitioner is in continuous possession and enjoyment of the property and he is entitled to get assignment patta from the government. In order to avail such benefit, the petitioner made a representation dated 15.07.2019. This Court may consider the petitioners representation and pass appropriate orders within the stipulated time as fixed by this Court.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the Government and perused the materials available on record.

5. The facts of the case are not in dispute. Admittedly, the disputed land is classified as Kallanguthu poromboke. For the very same dispute, the petitioner has already filed a suit in O.S.No.70/2019 on the file of the District Munsif Court, Chengalpattu for permanent injunction against the revenue officials and the same is pending. When the suit is pending with regard to the disputed land, the revenue officials have no power to grant patta in favour of the petitioner. Therefore, this petition is liable to be dismissed.

6. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Kancheepuram District (Then)
Chengalpattu Taluk & District.
- 2.The Revenue Divisional officer,
Chengalpattu.
- 3.The Tahsildar,
Chengalpattu Taluk,
Chengalpattu.

Copy to:

The District Munsif Court,
Chengalpattu.

+lcc to Mr.M.Muthappan, Advocate SR. No. 11401
+lcc to Government Pleader SR. No.12029

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PMK (CO)
PR (23/03/2022)