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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.5870 of 2022

M.Vimala

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Kancheepuram District.

2.The Revenue Divisional Officer,
Kancheepuram Division,
Kancheepuram.

3.The Tahsildar,
Uttaramerur Taluk,
Kancheepuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to issue Patta to the petitioner's entire property measuring to an extent of 6 Cents in S.F.No.212/1 and 212/2 in No.48, Marutham Village, Utharamerur Taluk based on the Patta H-S, dated 06.12.1976 issued by the Special Tahsildar (HS) Kancheepuram by considering the petitioner's representation dated 25.10.2021 by appreciating the above stated facts.

For Petitioner : Mr.D.Lakshmipathy

For Respondents : Mr.P.Sathish
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the 2nd and 3rd respondents to issue Patta to the petitioner's entire property measuring to an extent of 6 Cents in S.F.No.212/1 and 212/2 in No.48, Marutham Village,



Utharamerur Taluk based on the Patta H-S, dated 06.12.1976 issued by the Special Tahsildar (HS) Kancheepuram by considering the petitioner's representation dated 25.10.2021 by appreciating the above stated facts.

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2. The learned Additional Government Pleader takes notice to the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner has purchased the properties in S.F.No.212/1 and 212/2, to an extent of 6 Cents, situated in Marutham Village, Utharamerur Taluk, Kancheepuram District, by way of registered Sale Deed, in Document No.219/2015, dated 10.05.2010. The respondent has issued Patta in respect of 4.70 cents, the Patta for the balance land was not granted. Therefore, the petitioner made representation to the 2nd respondent on 25.10.2015, for issuance of Patta in respect of 1.30 Cents. However, till date no orders have been passed. Hence, this petition is filed with the aforesaid prayer.

4. Though very many grounds have been raised, the learned counsel for the petitioner submitted that it would suffice, if this Court issues direction to the 2nd and 3rd respondents, to consider the petitioner's representations and issue Patta in respect of 1.30 Cents, within a time frame that may be fixed by this Court.

5. The learned Additional Government Pleader appearing on behalf of the respondents submitted that a portion of the petitioner's land is situated in "Pathai" which was used by the local people and there was a compromise between the petitioner and local village people and she undertake an affidavit stating that, she will leave 1.30 Cents for using the same as "Pathai" and she will not insist for Patta in respect of 1.30 Cents. She made representations before the 2nd respondent is not sustainable. Hence, he prayed for dismissal of this petition.

6. Heard the arguments advanced on either side and perused the materials available on record.

7. On earlier occasion this Court, vide order dated 16.03.2022, issued direction to the 3rd respondent to issue Patta in favour of the petitioner. However, the respondent filed objection and on perusal of the said objection it reveals that,



a portion of the petitioner's land is situated in "Pathai" which was used by the local people and there was a compromise between the petitioner and local village people. The petitioner furnished her affidavit before the Village Administrative Officer by undertaking that the petitioner will leave 1.70 cents land, for the benefit of the village people and she agreed to obtain Patta in respect of 4.70 cents only and submitted that she will not insist for issuance of Patta, in respect of 1.30 Cents. However, contrary to the affidavit filed by the petitioner, she made representation before the 2nd respondent for issuance of Patta in respect of 1.30 Cents, is not sustainable. Hence, the prayer sought for in this petition cannot be granted.

8. Accordingly, this Writ Petition is dismissed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Psa
To

- 1.The District Collector,
Collectorate,
Kancheepuram District.
- 2.The Revenue Divisional Officer,
Kancheepuram Division,
Kancheepuram.
- 3.The Tahsildar,
Uttaramerur Taluk,
Kancheepuram District.

+lcc to M/s.D.Lakshmipathy, Advocate Sr.22082
+lcc to the Government Pleader Sr.21703

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srg 12/04/2022