



W.P.No.21603 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.21603 of 2015

and

M.P.No.1 of 2015

G.ManoharBabu

...Petitioner

Vs.

1. The District Collector,
Collectorate,
Kancheepuram,
Kancheepuram District.

2. The District Revenue Officer,
Kancheepuram,
Kancheepuram District.

3. The Tahsildar,
Kancheepuram,
Kancheepuram District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings of the 2nd respondent vide Na.Ka.1705/2014/A3 dated 13.06.2015 quash the same and to direct the respondents to issue the patta in the name of the petitioner for the land in Survey No.222 measuring



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about 0.01.0 hectares out of 4.07.0 hectares in No.166, Kadambadi Village,
Thirukalikundram Taluk, Kancheepuram District.

For Petitioner : Mr.V.Manohar

For Respondents : Mr.G.Krishna Raja, AGP

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in respect of the proceedings in Na.Ka.1705/2014/A3 dated 13.06.2015, quash the same and to consequently direct the respondents to issue patta in the name of the petitioner in respect of the land comprised in S.No.222, measuring about 0.01.0 hectares out of 4.07.0 hectares situated at No.166, Kadambadi Village, Thirukalikundram Taluk, Kancheepuram District.

2. The case of the petitioner is that he claims to be in continuous possession and enjoyment of the above said property for the past several years and based on his occupation, he approached the revenue officials to allot the said property in his favour under the Ex-Service Men quota, pursuant to which, though several correspondence have taken place in between the officials, no final order has been passed on the petitioner's



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request. Therefore, the petitioner made several representations and sent several reminders to the 1st and 2nd respondents, which evoked no response. Aggrieved by the inaction on the part of the respondents, the petitioner filed a Writ petition in W.P.No.81 of 2015 and this Court, vide order dated 12.02.2015 directed the 2nd respondent to consider the petitioner's representation and pass orders. In compliance with the order of this Court, the 2nd respondent has passed the present impugned order dated 13.06.2015 in Na.Ka.1705/2014/A3, rejecting the petitioner's claim on the ground that, the petitioner is not in possession of the subject property and he is not residing in the above said village and further, the land is classified as Nanjai Tharisu for which, the petitioner is not entitled to get patta. Hence, challenging the same, the present Writ petition is filed.

3. Learned counsel for the petitioner submitted that, pursuant to the petitioner's representations, though initially the 3rd respondent and the Revenue Inspector have confirmed the petitioner's possession over the subject property, vide proceedings dated 10.01.2011 and 14.08.1997 respectively and have also recommended for assigning the above said property in his favour, as no objection was received for the same, however,



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contrary to the above recommendations, the 2nd respondent has rejected the petitioner's claim on the ground that, the petitioner is not in possession of the subject property, which is not sustainable and the 2nd respondent has mechanically passed the present order under challenge without ascertaining any of the above said facts. Hence, he prayed for appropriate orders.

4. On the above said contentions, heard learned Additional Government Pleader appearing on behalf of the respondents and perused the materials available on record.

5. Though very many grounds have been raised by the learned counsel for the petitioner, when this Court expressed its opinion that, the petitioner has to make appropriate application before the competent authority as per the Revenue Standing Orders for assignment of land, learned counsel for the petitioner restricted the prayer and sought permission of this Court to make appropriate representation before the competent authority as per the RSO for assignment of the subject property in his favour.

6. In view of the fair stand taken by the learned counsel for the



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petitioner, this Court without interfering with the order under challenge, grants permission to the petitioner to file a fresh application before the competent authority as per the Revenue Standing Orders for assignment of the subject property in his favour, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such application, the competent authority shall consider the same on merits and in accordance with law and pass appropriate orders within a period of six weeks thereafter, after affording an opportunity of personal hearing to the petitioner and the aggrieved persons, if any, based on the recommendations of the revenue officials and without being influenced in any way by the observations made in the impugned order.

7. With the above observations and directions, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.06.2022

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

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M.DHANDAPANI, J.

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