

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.02.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26241 of 2012

G. K. Ramakrishnan

... Petitioner

Vs

1. The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-600 009.
2. The Special Commissioner Cum
Land Administration Commissioner,
Department of Land Administration,
Chepauk, Chennai-600 005.
3. The District Collector,
Tuticorin District, Tuticorin.
4. The District Revenue Officer,
O/o.District Revenue,
Tuticorin District, Tuticorin.
5. The Tahsildar,
O/o.Tahsildar Office,
Thiruchendur Taluk,
Thiruchendur,
Tuticorin District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the Endorsement Letter in Na.Ka.No.D1/8485/2004 dated 30.12.2007 on the file of the 3rd Respondent and directing the 5th respondent to issue patta in petitioner's favour by accepting the recommendation of the 4th respondent in his proceedings in Na.Ka.No.E1-115879/94 dated 07.09.1995 in Survey No.204/2 an extent of 0.62 acres in Thiruchendur Taluk, Keela Thiruchendur Village.

For Petitioner ... M/s. S. Kumaradevan

For Respondents ... Mr. T. Chezhan,
Additional Government Pleader

O R D E R

The present petition has been filed seeking the relief of quashment of the impugned letter dated 30.12.2007 of the 3rd respondent and a direction to the 5th respondent to grant patta in favour of the petitioner in respect of the land comprised in Survey No.204/2 to an extent of 0.62 acres in Thiruchendur Taluk, Keela Thiruchendur Village pursuant to the proceedings dated 07.09.1995 of the 4th respondent.

2. It is the case of the petitioner that the petitioner's father had bequeathed the property comprised in S.F.No.204/2 situated at Keezha Thiruvhendur Village, Thiruchendur Taluk, Tuticorin District in favour of the petitioner by way of a Registered will. After the demise of his father, the petitioner made several requests by way of representations to the 3rd respondent herein for assignment of the said lands in favour of the petitioner and for issuance of patta in respect of the same, pursuant to which, the 4th respondent had conducted an enquiry and filed a report dated 07.09.1995 recommending for assignment of the said lands in favour of the petitioner and the same was forwarded to the Respondents 2 & 3, based on which, the 3rd respondent had rejected the claim of the petitioner on the ground that, the lands in respect of which the petitioner had sought for assignment and grant of patta, had been classified as "Nandavana Poramboke". Aggrieved by the same, the petitioner made an application before the 3rd respondent under Right to Information Act, requesting to furnish the information pertaining to the classification of the aforesaid lands in S.F.No.204/2, however, the said application was forwarded to the 5th respondent. However, the 5th respondent has not considered the same. Hence, the present petition is filed seeking the aforesaid relief.

3. Learned counsel for the petitioner submits that he made an application before the 3rd respondent, under the Right to Information seeking certain information, which is necessary for obtaining patta in favour of the petitioner in respect of the subject lands and the said application was forwarded to the 5th respondent. However, the said application was neither considered nor was the patta issued. Hence, the present petition has been filed.

4. Heard the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. A careful perusal of the materials available on record reveals that the petitioner's representation for issuance of patta in respect of the subject land was rejected by the 3rd

respondent. Thereafter, the petitioner made an application under the Right to Information Act, before the 3rd respondent and the same has been forwarded to the 5th respondent.

6. Though such a contention is raised, as seen from the records, the fact remains that without challenging the rejection order of the 3rd respondent, the petitioner has come up with the present petition seeking the aforesaid relief. Without challenging the rejection order, filing of Writ Petition before this Court is not sustainable. Hence, this Court is not inclined to grant any relief to the petitioner and the prayer sought for in this Writ Petition cannot be acceded to.

7. For the reasons aforesaid, this Writ Petition is dismissed. No Costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Secretary to Government,
Revenue Department, Fort St.George,
Chennai-600 009.
2. The Special Commissioner Cum
Land Administration Commissioner,
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3. The District Collector,
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4. The District Revenue Officer,
O/o.District Revenue, Tuticorin District,
Tuticorin.
5. The Tahsildar, O/o.Tahsildar Office,
Thiruchendur Taluk, Thiruchendur,
Tuticorin District.

+1cc to M/s. S. Kumaradevan, Advocate, S.R.No.8815
+1cc to the Special Government Pleader, S.R.No.9254

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SKM(CO)
CT/20/07/2022