



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7011 of 2022
and
W.M.P.No.7045 of 2022

A.Jenasenan

...Petitioner

Vs.

1. The Secretary to Government
Revenue Department,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.
2. The Collector,
Office of the District Collectorate,
Kancheepuram District, Kancheepuram.
3. The District Revenue Officer,
Office of the Collectorate,
Kancheepuram District, Kancheepuram.
4. The Revenue Divisional Officer,
Kancheepuram District, Kancheepuram.
5. The Tahsildar,
Kancheepuram Taluk, Kancheepuram.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to reclassify the land from Road Poromboke to Punjai land in so far as the lands measuring an extent of 7 Are in S.No.343/1B1, 3.5 Are in S.No.354/1B and 3.5 Are in S.No.357/1B, in all measuring 14 Ares and to issue patta for the said lands, situated at Sevilimedu B Village, Kancheepuram Taluk and District.

For Petitioner : Mr.L.Nagarajan
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the respondents to reclassify the land from Road Poromboke to Punjai land insofar as the lands measuring an extent of 7 Are in S.No.343/1B1, 3.5 Are in S.No.354/1B and 3.5 Are in S.No.357/1B, in all measuring 14 Ares and to issue patta for the said lands, situated at Sevilimedu B Village, Kancheepuram Taluk and District.

2. The learned Special Government Pleader appearing on behalf of the respondents takes notice on behalf of the official respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The lands of the petitioner were acquired against which litigations were taken up and finally it culminated in an order in and by which the respondents were directed to hand over 14 Ares of land, which is equivalent to the land taken from the petitioner. However, inspite of the order dated 01.03.2007 in W.A.No.1731 of 2004, directing the respondents therein to handover 14 Ares of land to the petitioner and also to effect the mutation in the Revenue Register in favour of the petitioner, however, as the same was not complied with, the petitioner filed a Contempt Petition No.797 of 2009 and the same was closed as the Government Pleader therein submitted that the respondent authorities had already taken a decision in favour of the petitioner and the same will be given effect. Pursuant to the same, the Government Order was also passed by handing over 14 Ares of land to the petitioner and also to reclassify the land from Road Poromboke to Punjai Lands vide G.O.Ms.No.223 dated 20.11.2009 and on 06.01.2010, the lands measuring 14 Ares were handed over to the petitioner. However, despite making several representations, the said Government order was not implemented for making necessary entries in the Revenue Register and till date the revenue records were not mutated in favour of the petitioner and the lands were not reclassified from Road Poromboke to Punjai Lands and also patta was not granted in favour of the petitioner. Hence, the present Writ petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to the first respondent to reclassify the land from Road Poromboke to Punjai Lands and issue patta in favour of the petitioner as per the G.O.Ms.No.223 dated 20.11.2009.



5. Learned Special Government Pleader appearing on behalf of the respondents has no serious objection for the said order being passed and he fairly conceded that, the petitioner's representation will be considered in terms of the G.O.Ms.No.223 dated 20.11.2009 and appropriate orders will be passed in accordance with law within the time stipulated by this Court.

6. Facts in the present case are not in dispute. Admittedly, the petitioner's land measuring about 44 Ares at Sevilimedu B Village, Kancheepuram Taluk and District was acquired by the respondent for laying approach road to connect Kancheepuram-Vandavasi Road, for which the petitioner has approached this Court in W.P.No.3036 of 2022, seeking for exchange of Government Poromboke land in lieu of the land which was acquired from the petitioner and the same was allowed partly and directed the respondents to handover 30 Ares to the petitioner. Thereafter, the petitioner preferred a Writ Appeal W.A.No.1731 of 2004 and this Court vide order dated 01.03.2007, allowed the Writ appeal and directed the respondent therein to handover the remaining 14 Ares to the petitioner and also to mutate the revenue records in favour of the petitioner, pursuant to which, the said G.O.Ms.No.223 dated 20.11.2009 was passed. However, the grievance of the petitioner is that, though the G.O.Ms.No.223 dated 20.11.2009 was passed and despite making several representations, till date the revenue records were not mutated in favour of the petitioner and the land was not reclassified and also the petitioner was not issued with the patta in respect of the remaining 14 Ares.

7. In the light of the admitted position, this Court issues direction to the 3rd and 4th respondents to implement the G.O.Ms.No.223 dated 20.11.2009, and mutate the revenue records and issued patta in favour of the petitioner, if there is no other legal impediments and the said exercise should be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1. The Secretary to Government
Revenue Department,
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5. The Tahsildar,
Kancheepuram Taluk, Kancheepuram.

+2 Ccs to Mr.S.Mohana Sundararajan, advocate sr 20257.

+1 CC to The Government Pleader sr 21086.

W.P.No.7011 of 2022
and
W.M.P.No.7045 of 2022

SR(CO)
SP(08/04/2022)