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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.8609 of 2022

M.Dhayalan

... Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
3. The Revenue Divisional Officer,
Thiruvallur Division,
Thiruvallur.
4. The Tahsildar,
Avadi Taluk, Avadi.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider and dispose of the petitioner's representation dated 21.03.2019 on merits and in accordance with law.

For Petitioner : Mr.D.Senthil Kumar

For Respondents : Mr.R.Vigneswaran
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to consider and dispose of the petitioner's representation dated 21.03.2019 on merits and in accordance with law.

2. The case of the petitioner is that the vacant land



measuring an extent of 0.12 Cents, comprised in Survey No.101/7 part of Morai Village was owned and possessed by the petitioner's ancestors and they were in enjoyment of the same. On 15.05.1975, the Settlement Tahsildar, Chengalpattu passed an order in Ref.No.S.R.5/75/SDT/30/63 and directed to grant Ryotwari Patta under Section 11 read with Section 8(1) of the Tamil Nadu Minor Inam (Abolition and Conversation into Ryotwari) Act 1963 ("in short, Act") in favour of the claimant, in which the petitioner is one of the claimant. In view of the said proceedings, the above said land was initially allotted to the petitioner's elder brother Mr.Babu and from the date of proceedings, he was in absolute possession and enjoyment of the same without any hindrance and the Extract of "A" Register was also issued in his favour. Subsequently, the petitioner and his brothers have orally partitioned their ancestor's property and the above said property was allotted to petitioner. While so, when the petitioner intended to settle his property in favour of his family members, he came to know that the said land was classified as "Anaadeenam land". Therefore, the petitioner has made representation dated 21.03.2019 before the respondents, seeking to conduct enquiry and restore the classification of the land as "Ryotwari" and also requested to issue Patta in the name of the petitioner. As the said representation made by the petitioner has evoked no response from the respondents, the petitioner has filed the present Writ Petition.

3. The learned counsel for the petitioner submitted, that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 21.03.2019 and pass orders on the same within a particular time frame that may be fixed by this Court.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate and perused the materials available on record.

5. The facts are not in dispute. Admittedly, the petitioner claims that he is in absolute possession of the above said property and the Settlement Tahsildar, Chengalpattu passed an order and directed to grant Ryotwari Patta under Section 8(1) of the said Act in favour of the petitioner. Subsequently, the said land was re-classified as "Anaadeenam land" and Patta was cancelled and new Patta was not given to the petitioner. Unless and otherwise the petitioner challenge the earlier order of cancellation of Patta and classification of land, before the Settlement Tahsildar, the Writ Petition is not sustainable. Hence, the prayer sought for in this Writ Petition cannot be granted.



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6. Accordingly this Writ Petition is dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jd/sp

To

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The District Revenue Officer,
Thiruvallur District, Thiruvallur.
3. The Revenue Divisional Officer,
Thiruvallur Division, Thiruvallur.
4. The Tahsildar,
Avadi Taluk, Avadi.

+1cc to Mr.D.Senthil Kumar, Advocate, S.R.No.24849
+1cc to the Government Pleader, S.R.No.24583

W.P. No.8609 of 2022

GPL (CO)
CT 26/04/2022