



Writ Petition No.38719 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.38719 of 2015

C.Venkatagiriyappa

... Petitioner

vs.

- 1.State of Tamil Nadu
represented by its
Principal Secretary and Commissioner
of Land Administration,
Ezhilagam, Chennai - 600 005.
- 2.The Director of Survey and Settlement,
Department of Survey and Settlement,
Chepauk, Chennai - 600 005.
- 3.The District Collector,
Krishnagiri District,
Krishnagiri.
- 4.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
- 5.The Revenue Divisional Officer,
Krishnagiri District,
Krishnagiri.



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6. The Tahsildar,
Hosur Taluk,
Krishnagiri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to issue patta in the name of the petitioner in respect of the land measuring an extent of 9.44 Hectares in Survey No.143 situated at Eachangur Village, Hosur Taluk, Krishnagiri District, after having altered classification of land from "Paarai" into cultivating land.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to issue patta in favour of the petitioner in respect of the land measuring an extent of 9.44 Hectares in Survey No.143 situated in Eachangur Village, Hosur Taluk, Krishnagiri District, after having altered classification of land from "Paarai" into cultivating land.



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2. It is the case of the petitioner that he is in possession and enjoyment of the above said land situated in said Village. The petitioner made an application dated 06.10.2015 for re-classification of the above said land from “Paarai” to “Ryotwari Punjai land” before the respondents. Since the same was not considered by the respondents, the present Writ Petition has been filed seeking the aforesaid relief.

3. Though very many grounds have been raised in the present Writ Petition, learned counsel for the petitioner submitted that it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation dated 06.10.2015 and pass appropriate orders within the time frame that may be stipulated by this Court.

4. Per contra learned Additional Government Pleader appearing for the respondents, relying upon the counter affidavit filed in support of the present Writ Petition, states that already the petitioner filed a Writ Petition before this Court in W.P.No.1994 of 2015 seeking to direct the respondents therein to



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issue patta for the above said property in his favour, wherein this Court vide order dated 04.03.2015 disposed of the above said Writ Petition observing that the above said land belongs to Government and the same is required for public purpose. Suppressing the above said facts, the petitioner filed the present Writ Petition which is *per se* unsustainable.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Facts are not in dispute. Admittedly the above said land is classified as “Paarai”. Earlier the petitioner made a representation before the respondents seeking re-classification of the above said land from “Paarai” to “Ryotwari Punjai land”, since the same was not considered, the petitioner filed a Writ Petition before this Court in W.P.No.1994 of 2015, wherein this Court vide order dated 04.03.2015 disposed of the same rejecting the petitioner's request seeking Patta and the relevant portion of the order passed in the above said Writ Petition is extracted hereunder:

“3. The third respondent Tahsildar has



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filed counter affidavit stating that the contention that the petitioner is enjoying the property is absolutely false and the land in question has been classified as unassessed dry land belonging to the Government as PARAI. It is further stated that sufficient opportunities were given to seek corrections / changes during the UDR scheme and the petitioner has not approached the Authorities concerned with such request at that point of time. Therefore, the petitioner's request cannot be entertained. Further, it is stated that the lands in question are proposed to be used for public purposes by the Government in future and because of that patta cannot be given to the petitioner. Further, it is stated that the land in S.No.143 is of high value and belonging to the Government and the land is found suitable to the public.

4. In the light of the above, the question of issuing writ of Mandamus directing the respondents to issue patta in favour of the petitioner in respect of the Government land classified as PARAI cannot be granted. However, it is open to the petitioner to work out his remedy before appropriate forum in the manner known to law.

5. This writ petition is disposed of with the above observation. No costs."



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WEB COPY 7. Though this Court in W.P.No.1994 of 2015 vide order dated 04.03.2015 made it clear that the above said land is Government land and the same required for public purpose, suppressing the above said facts, the petitioner filed the present Writ Petition before this Court for the very same relief and the same is not sustainable. Hence the prayer sought for by the petitioner cannot be granted.

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

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Index : Yes/No
Speaking order : Yes/No



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M.DHANDAPANI, J.

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