



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.NO.8861 OF 2022

AND

W.M.P.NO.8688 OF 2022

Jayalakshmi

... Petitioner

.Vs.

1. The Union of India,
Rep. by its Secretary,
Ministry of Defense,
South Block, New Delhi.
2. The Commandant,
Pioneer Corps Records,
Bangalore - 900 493.
3. The Executive Director,
Army Veterans Welfare Committee,
Dakshin Bharath Area Golden Palm,
Park Town, Chennai - 600 003.
4. The District Collector,
Thirupathur District,
Collectorate,
Government Garden,
Thirupathur - 635 601.
5. The Commissioner,
Thirupathur Municipality,
Commissioner, Municipal Office,
Govt. Garden Road,
Tirupattur.
6. The Tahsildar,
Taluk Office,
Thirupathur,
Vellore District.

... Respondents



PRAYER:-

Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus, to call for the records in Na.Ka.No.130/2022/F1 dated 28.03.2022, issued by the 5th respondent,, and to quash the same illegal and without jurisdiction, and to consequently direct the 6th respondent to issue patta to the petitioner, in respect of property situated at Survey No.339/65, Ward-1, Block-14, Lakshmanan Street, Thirupathur Municipality, as per the recommendation of the 2nd respondent dated 26.09.2020.

For Petitioner : Mr.S.Rajendra Kumar
For Mr.Govind Chandrasekhar

For Respondents : Mr.S.N.Parthasarathy
SCGSC for R1 to R3

Mr.P.Muthukumar
State Government Pleader
Assisted by
Mr.A.Selvendran
Special Government Pleader
For R4 to R6

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition has been filed challenging the notice dated 28.03.2022 issued by the 5th respondent, with a direction to the 6th respondent to issue Patta to the petitioner in respect of property situated in S.No.339/65, Ward-1, Block-14, Lakshmanan Street, Thirupathur Municipality, as per the recommendation of the 2nd respondent dated 26.09.2020.

2. Learned counsel for the petitioner submitted that the petitioner is in possession of the land in question for last 18 years and constructed house on it. She being the mother of Ex-service person, who died in the war, claimed allotment of land pursuant to the Revenue Standing Orders. However, ignoring the aforesaid, notice to remove the encroachment has been given. It is more so when the recommendation in favour of the petitioner for allotment of land was made by the Senior Record Officer for OIC Records, by letter dated 26.09.2020. After the enquiry also, the recommendation was made by the Revenue Officer for allotment



7. For all the reasons given above, we find no valid grounds to cause interference in the impugned notice and accordingly, the writ petition is dismissed. The respondents are now at liberty to proceed further for allotment of land as per the provisions of law and for the purpose for which the land has been kept by them. There shall be no order as to costs. Consequently, W.M.P.No.8688 of 2022 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Secretary,
Union of India,
Ministry of Defense,
South Block,
New Delhi.
2. The Commandant,
Pioneer Corps Records,
Bangalore - 900 493.
3. The Executive Director,
Army Veterans Welfare Committee,
Dakshin Bharath Area Golden Palm,
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Thirupathur Municipality,
Commissioner,
Municipal Office,
Govt. Garden Road,
Tirupattur.



6. The Tahsildar,
Taluk Office,
Thirupathur,
Vellore District.

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+1cc to Mr.Govind Chandrasekhar, Advocate, S.R.No.34916
+1cc to the Government Pleader, S.R.Nos.35111 & 34878

W.P.NO.8861 OF 2022

RP (CO)
PBS/21/06/2022