



W.P.No.26894 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.26894 of 2016

- 1.S.Raghavalu (Deceased)
- 2.Raniamma
- 3.J.Ayisha
- 4.Saraswathi
- 5.Vanne Gangamma
- 6.Vanne Venkata Ranamma
- 7.Nagaraj
- 8.Gowri
- 9.Krishna

(Petitioners 2 to 9 were substituted as legal representatives of the deceased sole petitioner vide order made in W.M.P.No.6897 of 2021 in W.P.No.26894 of 2016 dated 20.07.2022)

...Petitioners

Versus

- 1.The District Collector,
Chennai District,
Chennai – 600 001.
- 2.The Tahsildar,
Fort Tondiarpet Taluk,
Tondiarpet,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the



records pertaining to the order dated 27.05.2016 made in B2/2079/2016 on the file of the Tahsildar, Fort – Tondiarpet Taluk, Tondiarpet, Chennai, the second respondent herein and quash the same and consequently, direct the second respondent to give assignment of land to the petitioner within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.V.Arun
For Respondents : Mr.R.V.Dinesh Rajkumar,
Additional Govt. Pleader

ORDER

The relief sought in this writ petition is to call for the records pertaining to the order dated 27.05.2016 made in B2/2079/2016 on the file of the second respondent and quash the same and consequently, direct the second respondent to give assignment of land to the petitioner within a time frame as may be fixed by this Court.

2. According to the petitioners, their family and the family of one late Panchilliah (nephew of the father of deceased first petitioner) were in occupation of a piece of land in Pensioner's Lane (Labour Colony), Old Washermenpet, Chennai, but, the patta of the said land was granted in the name of late Panchilliah. The petitioners' family was permitted to reside in the said land till an alternative accommodation is made to them.



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Subsequently, the first respondent vide proceedings No.J1/106852/80 dated 07.03.1981, allotted a piece of land bearing R.S.No.1796/214, Tondiarpet Village, Tondiarpet Taluk measuring about 400 sq.ft. situated within the Registration District of North Madras to the first petitioner.

2.1. Though the first petitioner paid a sum of Rs.3,000/- towards the value of the said land, the assignment of said land was not given to him. Therefore, the first petitioner has filed a writ petition in W.P.No.19084 of 1996 before this High Court for assignment of land measuring about 400 sq.ft. in Tondiarpet Village. This Court vide order dated 20.12.1999 disposed of the said W.P.No.19084 of 1996 by directing the District Collector to consider the request of the petitioner therein and pass appropriate order, within a period of four months from the receipt of that order. However, no order was passed by the respondents.

2.2. While so, late Penchilliah's son Seetharaman filed a writ petition before this Court in W.P.No.13736 of 2002, seeking to evict the petitioners' family from the land in Pensioner's Lane, however, the same was dismissed. As against the dismissal of said writ petition, the said Seetharaman



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preferred an Appeal in W.A.No.1134 of 2007 before this Court and the same was also dismissed. Hence, the said Seetharaman had filed a suit in C.S.No.471 of 2008 before this Court seeking delivery of possession of the property. The said suit was subsequently transferred to City Civil Court, Chennai in O.S.No.11347 of 2010. The said suit was decreed in favour of the plaintiff/Seetharaman on 14.03.2014. Aggrieved over the said judgement and decree, the first petitioner has preferred an appeal in A.S.No.773 of 2014 before this Court and the same was also disposed of on 28.01.2015.

2.3. Thereafter, the first petitioner has filed yet another writ petition in W.P.No.36970 of 2015 before this Court praying to consider his representation dated 28.07.2015 seeking assignment of land within Tondiarpet Village and the same was disposed of on 20.11.2015 with a direction to the second respondent therein to consider his representation and pass suitable orders on the same, within a period of six weeks from the date of receipt of a copy of that order. After the disposal of W.P.No.36970 of 2015, the second respondent vide order in B2/2079/2016 dated 27.05.2016 declined to assign the land to the first petitioner and grant patta in his name.



Aggrieved over the same, the petitioner has filed the present writ petition for the relief stated *supra*.

3. During the pendency of this writ petition, the first petitioner has died. Hence, his legal representatives were impleaded as petitioners 2 to 9 in this writ petition vide order dated 20.07.2022 made in W.M.P.No.6897 of 2021.

4. The learned counsel for the petitioners submitted that the first petitioner has deposited the entire money towards the assignment of the land as per the scheme of the Government, however, the second respondent has denied to assign the land to the first petitioner. He further submitted that as against the order passed by the second respondent, the petitioners 2 to 9 have an effective appeal remedy before the Appellate Authority / Revenue Divisional Officer under Section 12 of Tamil Nadu Patta Passbook Acts 1984. Therefore, the learned counsel prayed that permission may be granted to the petitioners 2 to 9 to file an appeal before the Appellate Authority / Revenue Divisional Officer.



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5. In view of the above submission made by the learned counsel for the petitioners, this Court without interfering with the order under challenge, grants permission to the petitioners 2 to 9 to file appropriate appeal before the Appellate authority / Revenue Divisional Officer concerned, within a period of two weeks from the date of receipt of a copy of this order. On such appeal being filed, the concerned Revenue Divisional Officer shall consider the same, without raising any issue as regards the limitation aspect and dispose of the same on merits and in accordance with law, within a period of twelve weeks thereafter.

6. With the above directions, this writ petition is disposed of. No costs.

16.09.2022

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Index : Yes/No

Speaking Order (or) Non Speaking Order

Note: Registry is directed to return the original impugned order to the petitioners so as to enable them to file the appeal before the concerned Revenue Divisional Officer.



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M.DHANDAPANI, J.

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