



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12829 of 2019

V.I.Imthiaz

... Petitioner

-Vs-

1. The Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George,
Chennai - 600 009.
2. The Additional Chief Secretary and
Commissioner for Land Administration Department,
Chepauk,
Chennai - 600 005.
3. The District Collector,
Thiruvallur District.
4. The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri.
5. The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 to 4 above to issue "free patta" to the petitioner in respect of un-assessed dry waste land measuring an extent of 2.5 acres of un-assessed dry waste land comprised in Survey No.12 situated at Vaniyamalli Village, Gummidipoondi Taluk, Tiruvallur District, in accordance with the Revenue Standing Order No.15-A within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : No Appearance

For Respondents : Mr.P.Balathandayutham
Special Government Pleader



ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents 2 to 4 above to issue "free patta" to the petitioner in respect of un-assessed dry waste land measuring an extent of 2.5 acres of un-assessed dry waste land comprised in Survey No.12 situated at Vaniyamalli Village, Gummudipoondi Taluk, Tiruvallur District, in accordance with the Revenue Standing Order No.15-A within a time frame as may be fixed by this Hon'ble Court.

2. There is no representation for the petitioner. Heard Mr.P.Balathandayutham, learned Special Government Pleader appearing for the respondents.

3. The petitioner is in possession and enjoyment of the land comprised in Survey No.12 situated at Vaniyamalli Village, Gummudipoondi Taluk, Tiruvallur District. It is classified as un-assessed dry waste land. The petitioner is in possession and enjoyment of the same and cultivating the crops. While being so, the Government of Tamil Nadu had introduced a scheme of issue of free patta to agricultural farmers for those landless poor and agriculturists in various parts of Tamil Nadu. Based on the said Government order, the petitioner had applied to the Government for grant of patta. It was not considered and as such the petitioner was constrained to file a writ petition before this Court in W.P.No.16487 of 2015 and this Court directed the respondents to consider the representation of the petitioner.

4. A perusal of a counter filed by the fifth respondent revealed that as directed by this Court, the petitioner was called for enquiry on his application for issuance of patta and the enquiry to be held on 15.07.2019. The petitioner had attended the enquiry before the fifth respondent on 15.07.2019 and had given his written statement along with the documents. Through the enquiry it was revealed that the petitioner is earning a sum of Rs.15,000/- (Rupees Fifteen Thousand only) per month by way of scrap brokerage. As per G.O.Ms.No.498 (1) (2) Revenue Department, dated 05.09.2007, the annual income eligible for free assignment is Rs.30,000/- (Rupees Thirty Thousand only). Whereas, the petitioner's annual income is Rs.1,80,000/- and it is exceeding the annual income of Rs.30,000/- prescribed for free assignment of cultivable land.

5. Therefore, the petitioner is ineligible for free assignment of the land. That apart, Vaniyamalli Village is located in the outskirts of the Greater Chennai Metropolitan Corporation and the subject land comprised in Survey No.12, ad-



measuring 3.10.5 hectares is earmarked for the future needs of the Government purposes.

6. Therefore, the request of the petitioner for free assignment of the poromboke land cannot be considered and the said request was also rejected by the proceedings of the fifth respondent, dated 20.12.2021 in R.C.723/2019/B1. The said order was also duly communicated to the petitioner by registered post on 20.12.2021 itself.

7. In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mn
To

1. The Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George, Chennai - 600 009.
2. The Additional Chief Secretary and
Commissioner for Land Administration Department,
Chepauk, Chennai - 600 005.
3. The District Collector,
Thiruvallur District.
4. The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri.
5. The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi.

+1cc to the Government Pleader, S.R.No.3373

W.P.No.12829 of 2019

PL[co]
NSK 10/02/2022