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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5350 OF 2014

AND

M.P.NO.1 OF 2014

1. A.P.Shantha Kumari

2. K.Vimala

3. P.Alagiri Samy

4. K.Shanthi

5. B.Lakshmi

... Petitioners

.Vs.

1. The State of Tamil Nadu
Represented by its Secretary to Government,
Revenue Ni.Mu.1(2) Department,
Secretariat, Chennai - 9.

2. The District Collector,
Kanchipuram District,
Kanchipuram.

3. The Tahsildar,
Sriperumpudur,
Kanchipuram District.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in Pro.Na.Ka.No.7291/2011/AA2 dated 02.02.2013 and the 3rd respondent in Proceedings No.O.Mu.6639/2013 dated 29.08.2013 and quash the same by issuing a Writ of Certiorarified Mandamus in so far as the petitioners are concerned and consequently direct the respondents to issue free Patta in favour of the petitioners in Survey No.24/1, Moulivakkam Village, Sriperumbudur Taluk, Kanchipuram District



based on the G.O.Ms.No.854, Revenue Ni.Mu.1(2) Department dated 30.12.2006.

For Petitioners : Mr.K.Sannjay

For Respondents : Mr.M.Murali
Government Advocate

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O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Pro.Na.Ka.No.7291/2011/AA2 dated 02.02.2013 and the 3rd respondent in Proceedings No.O.Mu.6639/2013 dated 29.08.2013, quash the same in so far as the petitioners are concerned and consequently direct the respondents to issue free Patta in favour of the petitioners.

2. The case of the petitioner is that they are poor people and they have constructed buildings in the Government Anadhinam land comprised in S.No.24/1, situated at Moulivakkam Village, Chennai and are residing in the above said address for the past 20 years. Whiles, in the year 2006, the Government issued a G.O.(Ms).854, Revenue Department dated 30.12.2006, stating that Government has decided to issue free patta for those who are occupying the Government lands and residing in the same for more than 10 years. In order to avail such benefits, the petitioners herein have requested the respondents for issuance of free patta and after receipt of the same, the respondents have enquired the local people for any objection for issuing free patta in favour of the petitioners herein and no objections were raised by the local people. Thereafter, the 2nd respondent, vide letter dated 31.03.2008 requested the 3rd respondent to send a proposal through the Revenue Divisional Officer with regard to issuance of patta in the above said disputed land. Further, the Revenue Inspector, vide proceedings dated 14.09.2010, recommended for issuance of free patta in favour of the petitioners in respect of the above said land.

3. It is the further submission of the petitioners that they have made several representations dated 07.02.2011 and 27.06.2011 before the 2nd respondent and have also sent a legal notice dated 21.02.2011 to the 2nd respondent, requesting for issuance of free patta in their favour, however, no orders have been passed on the same. Aggrieved by the inaction of the 2nd respondent, the petitioners have filed a Writ petition in W.P.No.25171 of 2012 and this Court, vide order dated 14.09.2012 directed the 2nd respondent to consider the petitioners' representation and pass orders on the same within a period of



eight weeks. Pursuant to the order of this Court, the 2nd respondent, vide proceedings dated 02.02.2013 in Na.Ka.No.729/2011/AA2, rejected the petitioners' claim on the ground that, the disputed land is a Government Anadhinam land. Even thereafter, the petitioners made a request on 26.08.2013 before the 2nd respondent on the public grievance day for issuance of free patta in their favour, however, the same was rejected by 3rd respondent, vide proceedings dated 29.08.2013 in O.Mu.6639/2013, on the same ground. Hence, challenging the same, the present Writ petition is filed.

4. Learned counsel for the petitioners submitted that, based on the G.O.(Ms).854, Revenue Department dated 30.12.2006, the petitioners made representation for issuance of free patta in their favour in respect of the above said land, however, the same was rejected by the 2nd and 3rd respondents mechanically, without considering the recommendation made by the Revenue Inspector, vide proceedings dated 14.09.2010. He further submitted that, subsequent to the impugned orders, the said land in S.No.24/1, situated at Moulivakkam Village, Chennai was reclassified as Government land/Residential Class I Type-II, in which the petitioners are entitled to obtain free house site patta in terms of the Revenue standing order. Hence, he prays this Court for permission to the petitioners to make a fresh application for issuance of patta in their favour and consequent direction to the respondents to consider the same and issue free patta in their favour as expeditiously as possible.

5. Heard the arguments advanced on either side.

6. A perusal of the materials available on record reveal that the petitioners have made an application for issuance of free patta in respect of the Government Anadhinam land comprised in S.No.24/1, situated at Moulivakkam Village, Chennai, based on the G.O.(Ms).854, Revenue Department dated 30.12.2006, however, the same was not considered. Therefore, the petitioners approached this Court by filing a Writ petition in W.P.No.25171 of 2012 and this Court, vide order dated 14.09.2012 directed the 2nd respondent to consider the petitioners' representation and pass orders on the same within a period of eight weeks. In compliance with the order of this Court, the petitioners' application for issuance of free patta was rejected on the ground that, the disputed land is classified as Government Anadhinam.

7. However, it is the further grievance of the petitioners that, the above said land is reclassified as Government land/Residential Class I Type-II, and the petitioners are entitled to obtain free house site patta in terms of the Revenue standing order. In view of the above submission, this Court issues



direction to the petitioners to file a fresh application before the 2nd respondent for issuance of free house site patta in respect of the disputed land based on the reclassification along with a copy of this order and on receipt of such application, the 2nd respondent is directed to consider the same on merits and pass appropriate orders in accordance with law based on the reclassification of the land as expeditiously as possible.

8. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Secretary to Government,
State of Tamil Nadu,
Revenue Ni.Mu.1(2) Department,
Secretariat, Chennai - 9.
2. The District Collector,
Kanchipuram District,
Kanchipuram.
3. The Tahsildar,
Sriperumpudur,
Kanchipuram District.

+1cc to Mr.K.Sannjay, Advocate, S.R.No.26595
+1cc to the Government Pleader, S.R.No.27151

W.P.NO.5350 OF 2014 AND
M.P.NO.1 OF 2014

NR(CO)
PBS/31/05/2022