



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.14245 of 2014
and
M.P. No.1 of 2014

P. Pyarelal Jain

.... Petitioner

Versus

1. The Secretary to Govt. of Tamil Nadu
Revenue Department,
Fort St. George,
Chennai - 600 009.

2. The Principal Secretary and
Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.

3. The District Collector,
Kancheepuram District,
Kancheepuram.

4. The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.

5. The Tahsildar,
Chengalpet Taluk,
Kancheepuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondents to grant assignment or lease land in Survey No.58/1, Kovalam Village, Thiruporur Taluk, Kancheepuram District by considering the petitioner's application / representation dated 05.11.2013, consequently permit the petitioner to re-construct the compound wall in order to protect the property.

For Petitioner

: Mr.K. Balu

For Respondents

: Mr.A. Anandan, GA



ORDER

This writ petition has been filed for a direction to the respondents to grant assignment or lease land in Survey No.58/1, Kovalam Village, Thiruporur Taluk, Kancheepuram District by considering the petitioner's application / representation dated 05.11.2013 and for consequential order to protect the property as well as to permit him to re-construct the compound wall.

2. The case of the petitioner is that he is in occupation of land classified as Government Poramboke in Survey No.58/1, in Kovalam Village, Thiruporur Taluk, Kancheepuram District. It is his case, that inspite of paying "B" memo charges to the Revenue Department, the officials have issued only 2A patta. While so, on 05.11.2013, he made an application to the 1st respondent to assign the said land in his favour and the same is kept pending without any further progress. Hence, he has approached this Court by way of filing this writ petition.

3. Learned counsel for the petitioner argued his case and submitted that without considering the petitioner's application, the respondents 2 and 3 have merely forwarded the same to the 1st respondent and till date, no orders have been passed in the above regard. Hence, he submitted that, it would suffice if this Court issues direction to the respondent to consider the petitioner's application dated 05.11.2013, as expeditiously as possible.

4. Per contra, Mr.A.Anandan, learned Government Advocate appearing for the respondents reiterating the counter affidavit, in particular paragraph Nos.2 and 3, submitted that the disputed land in S. No.58/1 is classified as Buckingham Canal Poramboke and the petitioner is the land owner of the adjacent lands in S. Nos.3/1 and 57/4. Hence the petitioner's request cannot be considered at any level as the said assignment in belt area was banned and no lease can be granted in respect of lands connected with water body. Hence he prays for mere dismissal of this writ petition.

5. Heard the learned counsel on both sides and perused the materials placed on record.

6. Admittedly, the petitioner has paid "B" memo charges for the land in question. Though he paid the necessary charges to the revenue authorities, he cannot claim right over the Government Poramboke land, that too, a water body or land in



belt area. Even as per Revenue Standing Orders No.15, no assignment can be granted, if the land is classified as water poromobokey. Though a stand aforesaid is taken by the learned Government Advocate appearing for the respondents, yet no records in support of the said submission have been placed before this Court.

7. Be that as it may. considering the limited relief sought for by the petitioner, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's application dated 05.08.2013 on merits and pass appropriate orders in accordance with law, only if the subject land is classified as unobjectionable poromobokey land, as expeditiously as possible. It is made clear that if the subject land is classified as water body, the 2nd respondent is directed to reject the application of the petitioner as no assignment of land can be granted in respect of a water body.

8. This Writ Petition is disposed of with the aforesaid observations and directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Secretary to Govt. of Tamil Nadu
Revenue Department,
Fort St. George, Chennai - 600 009.

2. The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai - 600 005.

3. The District Collector,
Kancheepuram District,
Kancheepuram.

4. The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.



5. The Tahsildar,
Chengalpet Taluk,
Kancheepuram District.

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+1cc to Mr.K.Balu, Advocate SR.No.15464
+1cc to the Government Pleader SR.No.16240

W.P. No.14245 of 2014

GN(30/03/2022)