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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.20744 of 2021

M.Radha

...Petitioner

-Vs-

1. The Government of Tamilnadu,
Rep by its Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.

2. The Tahsildar,
Office of the Tahsildar,
Thiruvottriyur Taluk,
Thiruvallur District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the second respondent to issue the patta in favour of the petitioner in respect of lands an extent of 872 sq.ft., situated at S.No.29/4, Old Plot No.1062, New Plot No.1084, Sadayankuppam Village, New Grama Natham, Thiruvottriyur Taluk, Thiruvallur District, as per the representation of the petitioner dated 05.03.2021 within the time framed fixed by this Court.

For Petitioner : Mr.M.Raja Sekhar

For Respondents: Mr.P.Balathandayutham
Special Government Pleader

ORDER

The Writ Petition has been filed to direct the second respondent to issue the patta in favour of the petitioner in respect of lands an extent of 872 sq.ft., situated at S.No.29/4, Old Plot No.1062, New Plot No.1084, Sadayankuppam Village, New Grama Natham, Thiruvottriyur Taluk, Thiruvallur District, as per the representation of the petitioner dated 05.03.2021 within the time framed fixed by this Court.

2.The petitioner had purchased the land comprised in survey No.29/4 to an extent of 872 Sq.ft., situated at Old Plot



No.1062, New Plot No.1084, Sadayakuppam Village, New Grama Natham, Thiruvottriyur Taluk by the registered sale deed dated 21.01.2020 vide document No.1647 of 2020 from one Roja. Originally the land ad measuring 23.02.5 hectares comprised in survey No.29/1B, was classified as Maikkal Poramboke and it was set aside to an extent of 11.73.5 hectares on 01.12.1995 and sub divided into survey No. 29/1B to 29/1, 29/2, 29/3 and 29/4, at present the survey No.29/4 had been classified as Grama natham for housing purpose.

3.Further the land comprised in survey Nos.29/1, 29/2 and 29/4 were converted as free house sites and the said lands were allotted to 1440 assignees on 01.12.1995 by the Tahsildar, Saidapet, with conditions. One of the main condition is that the allottee not to alienate or encumber the free house site for the period of ten yeas from the date of allotment. The Tahsildar, Ambattur has also sent communication dated 11.09.2007 to the Sub Registrar, Thiruvottriyur not to register any document in respect of the lands comprised in old survey Nos.29/1 and 29/4 situated at No.44, Sadayankuppam Village, Thiruvottriyur. The same was challenged before this Court in the batch of Writ Petitions in W.P.Nos.10940 of 2009 and 23238 to 23282 of 2009 etc., and this Court by an order dated 16.09.2009 and 08.12.2009 respectively, quashed the said letter.

4.That apart, the petitioner had purchased the plot in old block No.947 and new block No.738 from one Devaki and presented the sale deed for registration before the Sub Registrar, Thiruvottriyur. However, the Sub Registrar refused to register the same and returned the document for the reason that the Tahsildar, Ambattur raised objections. Therefore, the petitioner filed a Writ Petition before this Court in W.P.No.15737 of 2020 and this Court by an order dated 01.12.2020 allowed the Writ Petition thereby quashing the communication of the Sub Registrar dated 11.09.2020, and directed the Sub Registrar to register the pending document pertaining to the subject property, if it is otherwise in order on payment of stamp duty.

5.Thereafter, the petitioner applied for patta through online in respect of the subject property. However, her application was not accepted as "not applicable" for issuance of patta. Therefore, on 05.03.2021, the petitioner submitted representation before the second respondent for issuance of patta for the subject property. Since the same was not considered by the second respondent, the petitioner filed this Writ Petition with the above said prayer.

6.The learned counsel appearing for the petitioner submitted that the petitioner is intended to put up only residential plots and not any factory premises. Therefore, he prayed to allow the



present Writ Petition.

7. On written instruction, the learned Special Government Pleader appearing for the respondents submitted that after subdivision, the land comprised in Survey No.29/1B ad measuring 11.73.5 hectare classified as grama natham and there is no subdivision in respect of the land in survey No.29/4. Further there are industries, lorry track, weighing machine, godown, and other factories are situated in the said property. Therefore, there is no change of re-classification as such, the application of the petitioner for issuance of patta cannot be considered.

8. Heard Mr.M.Raja Sekhar, learned counsel appearing for the petitioner, Mr.P.Balathandayutham, learned Special Government Pleader appearing for the respondents.

9. On perusal of the Government Order in G.O.Ms.1143 dated 01.12.1995 revealed that the Government ordered reclassification of land as Gramanatham from Maikkal Proamboke. In spite of the said G.O., it was not properly reclassified. That apart, this Court by an order dated 02.12.2020 in W.P.No.15737 of 2020, directed the Sub Registrar to register the sale deed presented by the petitioner for registration. In view of the above, the second respondent is directed to consider the request of the petitioner for issuance of patta, on considering the sale deed, and after giving opportunity of hearing, pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order.

10. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary,
The Government of Tamilnadu,
Revenue Department,
Fort St. George,
Chennai - 600 009.



2. The Tahsildar,
Office of the Tahsildar,
Thiruvottriyur Taluk,
Thiruvallur District.

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+1cc to Mr.M.Rajasekhar, Advocate, S.R.No.3463

+1cc to the Government Pleader, S.R.No.3390

W.P. No.20744 of 2021

MT (CO)
RGA (15/02/2022)