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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.27540 of 2014

and

M.P.No. 1 of 2014

1. Nirmala Ravichandran
2. Santhi
3. Kanchana
4. Kamalammal
5. Rani
6. Kasthuri
7. Dhanasekaran
8. A.J.M.Sivasankaran
9. S.Rajeswari
10. Govindammal
11. Santhanam
12. Indirani @ Saraswathi
13. Padmavathi

... Petitioners

Vs.

1. The District Collector,
Kanchipuram District Collectorate Campus
Kanchipuram.
2. The District Revenue Officer,
Kanchipuram District Collectorate Campus,
Kanchipuram.
3. The Revenue Divisional Officer,
Kanchipuram Division,
Kanchipuram.
4. The Tahsildar,
Taluk Office,
Kanchipuram Taluk,
Kanchipuram District.
5. The Taluk Surveyor,
Taluk Office,
Kanchipuram Taluk,
Kanchipuram District.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to measure and demarcating the property regarding their sub-division by laying stones for each and every sub-division survey numbers of 2/5, 2/6, 2/7, 2/8, 2/9, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16 and 2/17 situated at Kottaikaval Village, Kanchipuram Taluk, Kanchipuram District.

For Petitioners : Mr.G.K.Sekar

For Respondents : Mr.M.Murali
for R1 to R3 and R5

O R D E R

This Writ Petition has been filed to direct the respondents to measure and demarcating the property regarding their sub-division by laying stones for each and every sub-division survey numbers of 2/5, 2/6, 2/7, 2/8, 2/9, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16 and 2/17 situated at Kottaikaval Village, Kanchipuram Taluk, Kanchipuram District.

2. The case of the petitioners is that the petitioners are landless poor, the State assigned house sites in favour of them, they made a representation before the respondents for issuance of patta. However, the said representation was not considered by the respondents. Thereby the petitioners filed a writ petition before this Court in W.P.No.8680 of 2005 for mandamus to direct the respondents to measure the respective plots for which they have been granted patta. This Court, by an order dated 16.03.2005, directed the 2nd and 3rd respondents to consider the petitioners representation dated 16.09.2002 and thereafter the petitioners were granted patta. However, till date, the property was not measured and demarcated. Again, the petitioner filed a writ petition before this Court in W.P.No.29809 of 2012 and this Court, by an order dated 02.11.2012, issued a direction to the third respondent to consider the representation and pass appropriate orders on merits and in accordance with law within a period of six weeks therefrom. Thereafter, in compliance with the said order, the 4th respondent herein rejected the petitioners' representation on the ground that the said land is classified as 'Punjai Anadheenam' and the earlier patta, granted in favour of the petitioners, were cancelled. Again, the petitioners filed the present writ petition.

3. The learned counsel for the petitioners submitted that this Court may issue a direction to the respondents to consider the representation of the petitioners within a reasonable time.



4. Heard, the learned counsel for the petitioners and the learned Government Advocate appearing on behalf of the respondents 1 to 3 and 5 and perused the materials available on record.

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5. Considering the facts and circumstances of the case, though the writ petition is filed in the year 2014, no counter was filed by the respondents. On an earlier occasion, based on the direction issued by this Court, though patta was granted in favour of the petitioner, the property was not measured and demarcated. Therefore, the petitioners filed writ petition before this Court in W.P.No.29809 of 2012. This Court, by an order dated 02.11.2012 and directed the third respondent to consider the representation of the petitioners within a period of six weeks. In compliance with the order passed by this Court, the fourth respondent herein, by an order dated 16.09.2013, rejected the petitioners representation and the patta granted was also cancelled.

6. In view of the above, without challenging the rejection order passed by the fourth respondent, dated 16.09.2013, the present writ petition is filed before this Court, which is not permissible. Therefore, the prayer sought for in this writ petition cannot be granted. However, liberty is granted to the petitioners to work out their remedy in the manner known to law.

7. In the result, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

Lpp

To

1. The District Collector,
Kanchipuram District Collectorate Campus
Kanchipuram.
2. The District Revenue Officer,
Kanchipuram District Collectorate Campus,
Kanchipuram.



3. The Revenue Divisional Officer,
Kanchipuram Division,
Kanchipuram.

4. The Tahsildar,
Taluk Office,
Kanchipuram Taluk,
Kanchipuram District.

5. The Taluk Surveyor,
Taluk Office,
Kanchipuram Taluk,
Kanchipuram District.

+1cc to Mr.G.K.Sekar, Advocate SR.No.22121

+1cc to Government Pleader SR.No.22809

W.P. No.27540 of 2014
and
M.P.No. 1 of 2014

VGII (CO)
GMY (09/06/2022)