



W.P.No.25144 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19 .09.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.25144 of 2022

1. P. Anil

2. R. Vasanthakumari

3. B. Sunitha

4. A. Subala

... Petitioners

Vs.

1. The Commissioner of Land Administration,
Chepauk, Chennai.

2. The District Revenue Officer,
Chennai.

3. The Revenue Divisional Officer,
Tambaram, Kancheepuram District.

4. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur, Kancheepuram District.

..Respondents



W.P.No.25144 of 2019

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of certiorari calling for the records relating to the order passed by second Respondent in Na.Ka.No.J7/34584/2020 dated 21.07.2022 and quash the same and further direct the Respondents to survey and handover the land at survey No.602/8,Village No.51, Shollinganallur Village Tambaram Taluk and pass orders.

For Petitioner : Mr. S. Parthasarathy

For Respondents : Mr. Vadivelu Denadayalan

ORDER

This writ petition is filed seeking for issuance of Writ of certiorari calling for the records relating to the order passed by second Respondent in Na.Ka.No.J7/34584/2020 dated 21.07.2022 and quash the same and further direct the Respondents to survey and handover the land at survey No.602/8,Village No.51, Shollinganallur Village Tambaram Taluk.

2. The case of the petitioners is that the petitioner were in enjoyment and possession of the property comprised in Survey No.602/7 Part at Village No.51, Shollinganallur Village,Tambaram Taluk measuring to an extent of 7 acres and they have also paid necessary taxes on the said property. The Tahsildar, Tambaram had issued enjoyment certificate dated 30.04.1997 to the petitioner's mother namely P.Thangarathinam and all the



W.P.No.25144 of 2019

Revenue Records stands in the name of the said P.Thangarathinam. On 24.10.2007, out of love and affection the said P.Thangarathinam executed a separate Settlement Deed in favour of the petitioners. Subsequently, the petitioners have approached the 4th respondent to issue Patta in their favour as per the Government Order in G.O.(Ms).No.555/2006 and the same was rejected stating that the property has been allotted to ELCOT by order dated 07.06.2007. Aggrieved by the same, the petitioners have challenged the said order by filing W.P.Nos.26939 and 26942 of 2011 and this Court by an order dated 20.08.2014 directed the 4th respondent to conduct a fresh enquiry and pass appropriate orders. Based on the said order, the 4th respondent, without going through the documents furnished by the petitioners, has rejected the claim made by the petitioners for grant of patta by order dated 18.11.2014 in Na.Ka.No.4854/11/A2.

3. Aggrieved over the same the petitioners have preferred an appeal dated 19.12.2014 before the second respondent/District Revenue Officer, Kancheepuram District to set-aside the order dated 18.11.2014 passed by the 4th respondent. Since no orders have been passed in the said appeal, the petitioners have filed a writ petition in W.P.No.4462 of 2015 before this Court seeking a direction to the 2nd respondent therein to pass orders in the



W.P.No.25144 of 2019

appeal dated 19.12.2014 and this Court by an order dated 24.02.2015 in

W.P.No.4462 of 2015 dismissed the writ petition on the ground that the the petitioners have filed the appeal before the District Revenue Officer and not the Revenue Divisional Officer and granted liberty to file an appeal before the Revenue Divisional Officer of the area concerned and the Revenue Divisional Officer was also directed to consider the same on merits and in accordance with law, as expeditiously as possible.

4. Pursuant to the said order, the petitioners have preferred an appeal before the 3rd respondent/Revenue Divisional Officer , but, the 3rd respondent has rejected their claim for grant of patta by letter Mu.Mu.No.259/2016/A, dated 25.09.2017. Challenging the same the petitioner have filed a Revision Petition on 30.11.2018 u/s 13 of the Tamil Nadu Pass Book Act, before the 3rd respondent and the same was transferred to the 3rd respondent, who rejected the petitioner's request by letter in Na.Ka.No.6243/2019/J10, dated 17.02.2021 by stating that as per G.O.(Ms).No.90, the subject land has been categorized as forest land and the same is under the custody of the Forest Department and further recorded that the petitioners have not submitted sufficient documents to establish



W.P.No.25144 of 2019

their case and dismissed the appeal.

WEB COPY

5. Aggrieved over the same the petitioners preferred an appeal before the the first respondent who rejected the appeal in Letter No.F3/1069914/2021, dated 27.07.2021 by stating that there is no provision to entertain any appeal or revision against the orders of the 2nd respondent.

6. Against the said order, the petitioners had filed a writ petition in W.P.No.19407 of 2021 and the same is pending before this Court. Thereafter, the petitioners in order to get a clear picture of their property, wanted to re-survey the same as the survey number has been changed from Survey No. No.602/8 from 602/7. On 10.08.2021, the petitioners sent an application to the 4th respondent to survey the said property. After receiving the said application, no action has been taken by the respondents. Therefore, the petitioner preferred a W.P.No.22853 of 2021 and this Court directed the second respondent to consider petitioners application presented for survey and pass orders, pursuant to which the second respondent vide order dated 21.07.2022 in Na.Ka.No.J7/34584 /2020 rejected the request of the petitioner on the ground that the said property is Government Punjai Vacant Land. Aggrieved over the same the petitioners have come up with this writ petition.



W.P.No.25144 of 2019

WEB COPY

7. The learned counsel appearing for the petitioners submitted that the subject land belongs to them and they were in enjoyment and possession of the same and paid necessary taxes to the Government. In the case the subject land is a Government land they pray to award a fair compensation.

8. The learned Government Pleader would submit that as per the order passed by the District Revenue Officer the land claimed by the petitioners is a Government Land and there is no necessity to interfere with the impugned order.

9. Heard both sides and perused the materials available on record.

10. On a perusal of the materials available on record, it is evident that the subject land is categorized as Government Punjai Vacant land. Such being the case in the absence of any material to show the title of the petitioner over the property, this Court is not inclined to interfere with the impugned order passed by the second respondent and the prayer sought for



W.P.No.25144 of 2019

by the petitioners cannot be granted by this Court and this writ petition deserves to be dismissed. Accordingly this writ petition is dismissed. No costs. Consequently the connected miscellaneous petition is closed.

19.09.2022

smn

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Commissioner of Land Administration,
Chepauk, Chennai.

2. The District Revenue Officer,
Chennai.

3. The Revenue Divisional Officer,
Tambaram, Kancheepuram District.

4. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur, Kancheepuram District.

|



WEB COPY



W.P.No.25144 of 2019

M.DHANDAPANI,J.

smn

W.P.No.25144 of 2022

19.09.2022