



W.P.No.27959 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27959 of 2022

G. Jayachandra Naidu
Son of late Gurajala Veeraswamy Naidu,
1-6-645 Indira Nagar, Tirupati,
Chittor 517 501, Andhrapradesh
Represented by its General power of Attorney,
K.Baby,
Wife of Kuppusamy,
No.1/72, Balaji Nagar,
Vada Perumbakkam, Chennai – 600 060

Vs.

1. The Principal Secretary and
Commissioner of Land Administration (FAC)
Ezhilagam, Chepauk, Chennai 600 005.
2. The District Collector,
Singaravelar Maligai,
Chennai 600 001.
3. The District Collector,
Kanchipuram District, Kanchipuram.



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4. The District Revenue Officer,
Singaravelar Maligai,
Chennai 600 001.
5. The Revenue Divisional Officer,
South Chennai Division, Guindy,
Chennai – 32.
6. The Thasildar, Sholinganallur,
Chennai – 600 119.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's application dated 05.01.2021 and 17.02.2021 and to issue settlement Patta to the petitioner in respect of the property in survey number.657/1A to an extent of 90.70 Hectares, situated at No.231, New No.42 Pallikaranai Village, Sholinganallur, Taluk, Chennai District within a stipulated time and pass orders.

For Petitioner : Mr.P. Kannan

For Respondents : Mr.N. Senthil Selvan
Government Advocate



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ORDER

This writ petition is filed for issuance of Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's application dated 05.01.2021 and 17.02.2021 and to issue settlement Patta to the petitioner in respect of the property in survey number.657/1A to an extent of 90.70 Hectares, situated at No.231, New No.42 Pallikaranai Village, Sholinganallur, Taluk, Chennai District.

2. The facts of the case is that the petitioner is the absolute owner of the subject property and he was in possession and enjoyment of the same. Whiles, the Revenue Authorities had entered the said land as “Manavari Tharisu” in A register. The further case of the petitioner is that the 3rd respondent issued a Gazette notification in Na.Ka.No.25688/2003 dated 23.06.2012 in respect of the petitioner's land wherein the petitioner's land has been mentioned as “Kaapu Kaadu” and in the proceedings of the 6th respondent in Na.Ka.5518/2016.A1 dated 07.11.2016 the subject land has been stated as “Tharisu”. Hence there is discrepancies even in the Government records. The grievance of



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the petitioner is that the subject land belongs to the petitioner and he had applied for grant of patta before the first and second respondents and the same has not been considered sofar. Hence the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel for the petitioner contends that the petitioner is the absolute owner of the subject land and he is paying necessary taxes to the Government and for transfer of patta, he has given a representation to the first and second respondents to consider the petitioner's representation dated 05.01.2021 and 17.02.2021. He further contends that the petitioner is entitled for patta for the land in question. Hence prays for appropriate orders.

4. The learned Government pleader submits that the petitioner is a encroacher of the Government land and without any patta he has unauthorizedly occupied the subject lands. Hence he has no right to reside in the subject land and submitted that the authorities are taking action to remove all the encroachments. He further submits that a recent order passed by the concerned Tahsildar dated 18.10.2022, the subject



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land has been reflected as “ Revision Survey Resettlement Paisalathi Register” and as per the old records the same has been registered as “Government Poramboke Kazhuveli (Back Water)”. Hence prays for dismissal of this writ petition.

5. In view of the submissions made by the learned Government Advocate it is made clear that the petitioner is residing in a Government Poramboke land and the petitioner has no right over the subject property and he is only an encroacher.

6. It is thus clear that the petitioner cannot be entitled to any patta as the said land was classified as Government Poromboke, Kzhuveli (Back water). Hence, it is made clear that this Court cannot grant the relief of patta to the writ petitioner as the petitioner is the encroacher of the Government Poromboke Land.

7. In such view of the matter, the writ petitioner has also not



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established any acceptable ground for the purpose of grant of relief as such sought in the present writ petition. Hence, this writ petition stands dismissed. No order as to costs.

19.10.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

To

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M.DHANDAPANI,J.

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