



W.P. No.30623 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.30623 of 2022

P.Jothi ... Petitioner

versus

1.The District Collector,
Tiruvallur District.

2.The Tahsildar
Tirutthani Taluk
Tiruvallur District.

3.The Revenue Divisional Officer
Tiruttani Division
Thiruvallur District.

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the Respondents to consider the representation of the petitioner Dt.14.08.2021 and 12.08.2022 and not to treat the Petitioner as an encroacher and to survey and enter necessary bifurcation of the Classification in the revenue records with regard to S.No.109/16-1.

For the Petitioner

:: Mr.P.H.Aravind Pandian,
Senior Counsel,
for Mr.T.Francis Edmund



WEB COPY



W.P. No.30623 of 2022

For the Respondents

:: Mr.P.Muthukumar,
State Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner, claiming to be a pattadhar of the land covered in S.No.109/16-1 situated at Thozhudavur Village, Marudhavallipuram, Thiruvallur District, has filed this writ petition for the issuance of a Writ of Mandamus directing the second respondent to consider his representations dated 14.08.2021 and 12.08.2022 and not to treat him as an encroacher and also to survey the land and enter necessary bifurcation of the classification in the revenue record with regard to S.No.109/16-1.

2. Mr.P.H.Aravind Pandian, learned Senior Counsel appearing for the petitioner submitted that the land covered in S.No.109/16-1 situated at Thozhudavur Village, Marudhavallipuram, Thiruvallur District is having an extent of 0.02.0 Ares and was allotted to the petitioner's late mother Mrs.J.Samadhanam. She was appointed as a teacher in the year 1959 in the said village. She, being a widow, and for the services rendered by her, was permitted to occupy and build a house for herself in the above mentioned place. She passed away in the year 1989. After her demise, the



W.P. No.30623 of 2022

said land and house are in possession and enjoyment of the petitioner as a legal heir.

3. In the year 1978, petitioner's mother had given a request to the authorities for issuance of patta, since she has been in possession and enjoyment of the property for quite a long time. Finally, accepting her long possession of the land in question, in the year 2000, Tahsildar, Tirutani, by proceedings dated 14.11.2000, recommended issuance of patta. Thereafter, the Tahsildar, vide proceedings dated 21.05.2002, also directed the petitioner to pay a sum of Rs.14,323/-, being the cost of the land and sub-division cost. Accordingly, the petitioner also paid the amount and assignment patta was issued to him. Therefore, under these circumstances, it is contended that the petitioner is not an encroacher and admittedly a pattadhar, by virtue of the patta issued by the Government.

4. While so, in the writ petition No.293 of 2021, the petitioner therein alleged that two private individuals were encroaching in the pond area at S.No.109/7. A Division Bench of this Court, by order dated 27.01.2022, directed the authorities to issue notice to the private respondents therein and to ascertain if there is a waterbody and if so, to demarcate its boundary to remove any



W.P. No.30623 of 2022

encroachments in the same. Therefore, when there is no reference whatsoever to the land belonging to the petitioner covered in S.No.109/16-1, the respondents cannot refuse to record the petitioner's name in the revenue records. Learned Senior Counsel also referred to the proceedings issued by the Village Administrative Officer, Marudhavallipuram Village, wherein the officer has admitted that about 200 people are living in the said land for the past more than three decades.

5. Learned Senior Counsel also produced a letter from the Tahsildar dated 15.11.2022 wherein Tahsildar, Tirutani, has given no objection certificate to give electricity service connection to the petitioner.

6. Mr.P.Muthukumar, learned State Government Pleader also agreed with the said statements made by learned Senior Counsel.

7. We can see from the order passed by this court in W.P.No.293 of 2021 that there is no reference with regard to the petitioner or petitioner's land. Moreover, the petitioner has also been issued with patta on payment of Rs.14,323/-, as demanded by the proceedings dated 21.05.2002, that clearly shows that the petitioner has been in long possession and enjoyment of the



W.P. No.30623 of 2022

land. Therefore, in our considered opinion, when the petitioner has been issued with patta on the payment of aforementioned charges, the second respondent is bound to consider the representations of the petitioner and pass appropriate orders.

8. Therefore, for the reasons mentioned supra, the second respondent is hereby directed to consider the representations of the petitioner dated 14.08.2021 and 12.08.2022, and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

9. The writ petition is disposed of with the above direction. No costs. Consequently, WMP No.30064 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
17.11.2022

Index: Yes/No
tar



WEB COPY



W.P. No.30623 of 2022

T.RAJA, ACJ,
and
D.KRISHNAKUMAR, J.

(tar)

To

- 1.The District Collector,
Tiruvallur District.
- 2.The Tahsildar
Tirutthani Taluk
Tiruvallur District.
- 3.The Revenue Divisional Officer
Tiruttani Division
Thiruvallur District.

W.P. No.30623 of 2022

17.11.2022