



W.A.No.2576 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

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- 1 P.Anil
- 2 R.Vasanthakumari
- 3 B.Sunitha
- 4 A.Subala

.. Appellants

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

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 19.9.2022 passed by the learned Single Judge in W.P.No.25144 of 2022.



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For the Appellants : Mr.S.Parthasarathy

For the Respondents : Mr.P.Muthukumar
State Government Pleader

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the order dated 19.9.2022 passed by the learned Single Judge in W.P.No.25144 of 2022.

2. The case of the appellants is that they are in possession and enjoyment of the property comprised in S.No.602/7 Part at Vilalge No.51, Sholinganallur Village, Tambaram Taluk, measuring an extent of 7 acres. It is stated that the Tahsildar, Tambaram, had also issued enjoyment certificate dated 30.4.1997 to the appellants' mother, P.Thangarathinam, and all the revenue records stand in the name of the said P.Thangarathinam. Subsequently, the aforesaid property was settled in favour of the appellants. The appellants approached the fourth respondent seeking issuance of patta in their favour as per G.O.Ms.No.555 of 2006, but the said request was rejected on the ground that the property has already been allotted in favour of ELCOT



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vide order dated 7.6.2007.
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3. It is stated that assailing the said order dated 7.6.2007, the appellants filed W.P.Nos.26939 and 26942 of 2011 and this court, by order dated 20.8.2014, directed the fourth respondent to conduct a fresh enquiry and pass orders. Thereafter, the fourth respondent conducted an enquiry and rejected the claim made by the appellants for issuance of patta by order dated 18.11.2014. Aggrieved by the said order, the appellants filed an appeal before the third respondent, who rejected the claim of the appellants by order dated 25.9.2017. The revision preferred by the appellants was also rejected by the third respondent vide proceedings dated 17.2.2021. Thereafter, the appellants filed an appeal before the first respondent, who rejected the appeal vide order dated 27.7.2021. Subsequently, the appellants made an application to survey the said property and the second respondent vide order dated 21.7.2022 rejected the request of the appellants on the ground that the said property is classified as Government Punjai vacant land.

4. Challenging the order dated 21.7.2022 passed by the second



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respondent, the appellants filed the writ petition. The learned Single Judge, vide order dated 19.9.2022, dismissed the writ petition on the ground that the appellants have not produced any shred of material to prove their title over the property.

5. Mr.S.Parthasarathy, learned counsel for the appellants, submitted that when the appellants are in continuous possession and enjoyment of the property, for the reasons best known to them, the respondents have classified the said land as forest land and, in any event, the appellants are entitled to fair compensation for the land in question.

6. We are unable to accept the aforesaid argument raised by learned counsel for the appellants for the simple reason that a person claiming absolute right over the property should be in a position to show the title over the property. In the case on hand, no shred of material has been placed either before the learned Single Judge or before this court to show the title of the appellants. For the very same reason, the appellants are also not entitled to compensation for the land in question.



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For the foregoing reasons, the appeal fails and the same is dismissed confirming the order passed by the learned Single Judge. There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)
29.11.2022

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AND
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(sasi)

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