



W.P.No.32615 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.32615 of 2022

M.Rajendran

.... Petitioner

-Vs-

- 1.The Principal Secretary
Revenue Department
Government of Tamil Nadu
Secretariat, St.George Fort
Chennai – 600 009.
- 2.The Commissioner
Land Administration
Ezhilagam, Chennai 600 005.
- 3.The District Collector
Office of the District Collectorate
Villupuram District.
- 4.The Sub Collector
Office of the Jaggampettai
Tindivanam – 604 001.
- 4.The Tahsildar
Taluk Office, Melmelaiyanur
Villupuram District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 5th respondent to issue patta in respect of the property adjoining portion to an extent of 328 sq.mt. comprised



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in survey number 303/9 situated at Annamangalam Village Melmalayanoor Taluk Villupuram District in compliance of the letters numbers 37204 / Ni.A. 2(1)2021-1 dated 16.11.2021 and R.3 / 1710578 / 2021 dated 21.12.2021 issued by the 1st and 2nd respondent respectively.

For Petitioner : Mr.S.Jeyakumar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 5th respondent to issue patta in respect of the property adjoining portion to an extent of 328 sq.mt. comprised in survey number 303/9 situated at Annamangalam Village Melmalayanoor Taluk Villupuram District in compliance of the letters numbers 37204 / Ni.A. 2(1)2021-1 dated 16.11.2021 and R.3 / 1710578 / 2021 dated 21.12.2021 issued by the 1st and 2nd respondent respectively.

2. The petitioner claims that, adjacent to his dwelling house there is a small piece of land to the extent of 328 Sq.mt comprised in S.No.303/9 situated at Annamangalam Village, Melmalayanoor Taluk, Villupuram District. Insofar as the said land is concerned, even though it belongs to the Government as Natham Poramboke, the said land also had been in continuous occupation of the



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petitioner as garden land. Therefore, in order to get assignment or Patta for the said land in favour of the petitioner, the petitioner had given a representation to the respondents on 20.10.2021 to the third respondent. In order to consider the said representation, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

4. Learned Special Government Pleader submits that, first of all the nature of the land which is sought for issuance of patta by the petitioner has to be ascertained by the Revenue Department and it has to be further ascertained whether the petitioner had been in continuous enjoyment of the same and thereafter only, based on the report to be furnished by the Tahsildar after having a spot inspection by their Revenue Inspector and Village Administrative Officer, a decision can be taken by the District Collector as to whether patta and assignment can be given considering it as Natham Poramboke land and therefore, in this regard the representation given by the petitioner would be considered and decided on merits and in accordance with law as indicated above, he contended.



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5. I have considered the submissions made by the learned counsel for both sides and have perused the materials placed on record.

6. As has been rightly stated by the learned Special Government Pleader, it has to be ascertained whether it is a Natham Poramboke land and in that case whether it was in continuous enjoyment of the petitioner and after ascertaining all these aspects only a decision can be taken by the third respondent on the representation of the petitioner dated 20.10.2021.

7. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

“ That there shall be a direction to the third respondent to consider the representation of the petitioner dated 20.10.2021 in the light of the discussion made herein above and accordingly pass orders thereon on merits and in accordance with law within six weeks from the date of receipt of a copy of this order.”

8. With the above direction, this writ petition is disposed of. No costs.

06.12.2022

Index : Yes/No
Internet : Yes/No
KST



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To

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R. SURESH KUMAR, J.

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