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W.P.No.2388 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01.02.2023**

**CORAM :**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**Writ Petition No.2388 of 2023 and W.M.P.No.2475 of 2023**

G.Kothandapani

.... Petitioner

-Vs-

1.State of Tamil Nadu rep.by its  
Principal Secretary to Government  
Revenue & Disaster Management Department  
Fort St.George, Chennai 600 009.

2.The District Collector  
Chennai District  
Rajaji Salai, Chennai 600 001.

3.The Revenue Divisional Officer (Chennai North)  
Gandhi Nagar Main Road  
Balaji Nagar, Puzhal, Chennai 600 066.

4.The Tahsildar  
Tiruvottriyur Taluk  
Tiruvottriyur High Road  
Chennai 600 019.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to forbear the respondents and their men agents, subordinates from in any manner interfering with the petitioners peaceful possession, enjoyment and occupation of the land comprised in Survey No.10, Kadapakkam Village, Tiruvottriyur Taluk, now Chennai District (Formerly in Tiruvallur District) measuring to an extent of hectares 0.06.0 ares (acre 0.15



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cents) classified as Kalam land, till the request of the petitioner is considered either for allotment and sale of said land in favour of the petitioner at the rate fixed by the respondents or exchange of Patta land in accordance with Government Orders viz., (1) G.O.Ms.No.570 dated 20.09.2021 issued by Revenue and Disaster Management Department, Land Disposal Wing, LD.3(1) Section, (ii) G.O.Ms.117 dated 18.03.2022 issued by Revenue and Disaster Management Department, Land Disposal Wing, LD 4(1) Section and (iii) G.O.(Ms) 201 dated 10.05.2022 issued by Revenue and Disaster Management Department, Land Disposal Wing, LD3(1) Section.

For Petitioner : Mr.K.Premkumar  
For Respondents : Mr.R.P.Muruganraja  
Government Advocate

### **ORDER**

The prayer sought for herein is for a Writ of Mandamus to forbear the respondents and their men agents, subordinates from in any manner interfering with the petitioners peaceful possession, enjoyment and occupation of the land comprised in Survey No.10, Kadapakkam Village, Tiruvottriyur Taluk, now Chennai District (Formerly in Tiruvallur District) measuring to an extent of hectares 0.06.0 ares (acre 0.15 cents) classified as Kalam land, till the request of the petitioner is considered either for allotment and sale of said land in favour of the petitioner at the rate fixed by the respondents or exchange of Patta land in accordance with Government Orders viz., (1) G.O.Ms.No.570 dated 20.09.2021 issued by Revenue and Disaster Management Department, Land Disposal Wing,



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LD.3(1) Section, (ii) G.O.Ms.117 dated 18.03.2022 issued by Revenue and Disaster Management Department, Land Disposal Wing, LD 4(1) Section and (iii) G.O.(Ms) 201 dated 10.05.2022 issued by Revenue and Disaster Management Department, Land Disposal Wing, LD3(1) Section.

2. The property situated at Survey No.10, Kadapakkam Village, Tiruvottriyur Taluk, now Chennai District (Formerly in Tiruvallur District, now in Chennai District) to the extent of 0.06.0 ares (acre 0.15 cents) which was classified as Kalam (களம்) land belongs to the Government. Adjacent to or around the said land the entire land in the three sides belongs to the petitioner. Therefore, there will be no utility of the said land belongs to the Government though it is categorized as Kalam (களம்) land, as there is absolutely no ingress and egress to the land belongs to the Government and that has to be made only through the petitioner's land.

3. In this regard, in order to get an alternative land or exchange of land in lieu of the petitioner's land, the petitioner has given a representation to the Revenue authorities viz., Revenue Divisional Officer as well as the Tahsildar concerned and this could be possible as per the Government Order which has been issued in this regard enabling the Government to exchange the land with the private parties in lieu of the patta land of the Government land and therefore



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the said representation since was given, it was forwarded by the Revenue Divisional Officer / 3rd respondent to the 4th respondent vide the proceedings dated 05.12.2022 to conduct an enquiry and send a report. Thereafter, no progress since has been shown by the 4<sup>th</sup> respondent based on which decision to be taken by the 2<sup>nd</sup> and 3<sup>rd</sup> respondents, the petitioner has moved the present writ petition with the aforesaid prayer.

4. Heard Mr.K.Premkumar learned counsel for the petitioner and Mr.R.P.Muruganraja learned Government Advocate appearing for the respondents.

5. Learned Government Advocate would submit that, the said representation of the petitioner dated 05.12.2022 and 11.01.2023 would be considered and decided by the respondents 2 and 3, of course on receipt of the report to be submitted by the 4<sup>th</sup> respondent, as directed by the 3<sup>rd</sup> respondent vide his letter dated 05.12.2022 within a time frame that may be stipulated by this Court.

6. Considering the said submission made by the learned Government Advocate, this Court is inclined to dispose of this writ petition with the following order.



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- That there shall be a direction to the 4<sup>th</sup> respondent to complete the enquiry and send a report as directed by the 3<sup>rd</sup> respondent through his communication dated 05.12.2022 in respect of the subject matter within a period of six weeks from the date of receipt of a copy of this order.
- On receipt of such report from the 4<sup>th</sup> respondent, the 2<sup>nd</sup> and 3<sup>rd</sup> respondents shall look into the same and decide as to whether the plea raised by the petitioner for exchange of land in lieu of the land belongs to the Government in question is feasible and if so, necessary orders to that effect shall be passed within a period of eight weeks thereafter.

7. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected W.M.P.No.2475 of 2023 is closed.

**01.02.2023**

Index : Yes/No

Neutral Citation : Yes/No

Speaking Order / Non-speaking order

KST

**Note : Issue order copy on 07.02.2023**



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To

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**R. SURESH KUMAR, J.**

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**W.P.No. 2388 of 2023**

**01.02.2023**