



WEB COPY



W.P. No.3163 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.3163 of 2023 and
W.M.P.Nos.3220 & 3222 of 2023

Sivakumar

... Petitioner

Vs.

1.The Additional Chief Secretary/
The Land Administrative Commissioner,
Chepauk, Chennai – 600 005.

2.The District Collector, Salem.

3.The Revenue Divisional Officer,
RDO Office, Mettur,
Salem District.

4.The Tahsildar,
Kadaiyampatty Taluk,
Salem District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 4th respondent to issue patta to the petitioner to the land situated in S.No.401/2 at Kanjanaickenpatty Village, Kadaiyampatty Taluk, Mettur Revenue Division and Salem District by considering the petitioner representations dated 26.4.2018, 19.8.2019 and 18.3.2022.

For Petitioner : Mrs.K.Padmapriya
for Mr.T.Ganesan

For Respondents : Mr.Yogesh Kannadasan
Special Government Advocate



W.P. No.3163 of 2023

ORDER

WEB COPY

The prayer sought for herein is for a writ of mandamus directing the 4th respondent to issue patta to the petitioner to the land situated in S.No.401/2 at Kanjanaickenpatty Village, Kadaiyampatty Taluk, Mettur Revenue Division and Salem District by considering the petitioner's representations dated 19.8.2019 and 18.3.2022.

2. In respect of Survey No.401/2 at Kanjanaickenpatty Village, Kadaiyampatty Taluk, Mettur Revenue Division and Salem District, it is the claim of the petitioner himself that it is a Kallanguthu poramboke land where the petitioner claims to have been in occupation for some years and doing agricultural activities, on that guise the petitioner wanted to get patta from the revenue authorities, therefore he has given a representation on 19.08.2019 and the said representation was forwarded by the Sub Collector, Mettur to the 4th respondent Tahsildar for taking appropriate action, but the 4th respondent Tahsildar subsequently seems to have not taken any action, therefore the petitioner has moved the present writ petition.

3. Heard Mrs.K.Padmapriya, learned counsel appearing for the



W.P. No.3163 of 2023

petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

4. The learned Special Government Pleader for the respondents would submit that, it is admittedly a Kallankuthu poramboke land, therefore the petitioner as a matter of right cannot seek patta, anyhow the said representation was forwarded by the Sub Collector, Mettur to the 4th respondent Tahsildar who would conduct an enquiry and accordingly he will pass orders either to accept or to reject the plea made by the petitioner on merits and in accordance with law within a time frame that may be stipulated by this Court.

5. Considering the said submission made by the learned Special Government Pleader for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 4th respondent Tahsildar to consider the application submitted by the petitioner of course as forwarded by the Sub Collector, Mettur dated 01.04.2022 and accordingly conduct an enquiry, after completing the full survey of the land in



W.P. No.3163 of 2023

WEB COPY

question and thereafter take a decision as to why not the claim made by the petitioner can be considered positively and granted, otherwise it is open to the 4th respondent to pass necessary orders on merits either accepting the plea of the petitioner or rejecting the same for the reasons to be recorded and accordingly the orders shall be passed by the 4th respondent within a period of twelve weeks from the date of receipt of a copy of this order.

6. With these directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.02.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

1. The Additional Chief Secretary/
The Land Administrative Commissioner,
Chepauk, Chennai – 600 005.



W.P. No.3163 of 2023

2.The District Collector,
Salem.

WEB COPY

3.The Revenue Divisional Officer,
RDO Office, Mettur,
Salem District.

4.The Tahsildar,
Kadaiyampatty Taluk,
Salem District.



WEB COPY



W.P. No.3163 of 2023

R.SURESH KUMAR, J.

Sgl

W.P.No.3163 of 2023

06.02.2023