



WEB COPY

WP No.9668 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.9668 of 2022

S.Muthulakshmi

... Petitioner

Vs.

1.The District Collector,
Collector of Chennai,
Singaravelar Maligai 4th Floor,
Rajaji Salai,
Chennai-600 001.

2.The Tahsildar,
Mambalam-Guindy Taluk,
Old Door No.1, New Door No.2,
Bharathidasan Salai,
K.K.Nagar,
Chennai-600 078.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of



the second respondent herein in impugned order in RC No.A1/202/2022, dated 18.03.2022 to quash the same and directing the second respondent herein to issue patta in the name of the petitioner herein, pertaining to Block No.37, T.S.No.80, Door No.27, Vinayagampettai Street, Saidapet, Chennai-15.

For Petitioner : Mr.M.Balasubramanian

For Respondents : Mr.N.Naveenkumar,
Government Advocate.

ORDER

The order dated 18.03.2022 passed by the second respondent rejecting the application submitted by the petitioner for grant of patta, is under challenge in the present writ petition.

2. The petitioner states that her father-in-law Mr.G.Ranganatha Mudaliar purchased house site in the year 1949. Her father-in-law constructed houses after his purchase and the family members of the petitioner are residing in the demised property. The husband of the petitioner and his brothers, after the death of Mr.G.Ranganatha Mudaliar,



executed the Partition Deed on 13.12.1996 and accordingly, partitioned the property.

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3. The petitioner further states that she owns house site to an extent of 2,640 sq. ft. The petitioner submitted an application for grant of patta and thereafter, she filed WP No.5893 of 2022 before this Court. A direction was issued to consider the representation and consequently an order has been passed by the Tahsildar, Mambalam stating that as per the revenue records, the subject property stands classified as 'Sarkar Natham Poramboke'. Therefore, patta can be issued only if the Government passes an order regularising the land classification. In the absence of any such regularisation, the Authorities cannot issue patta in respect of 'Sarkar Natham Poramboke'.

4. As far as the 'Sarkar Natham Poramboke' lands are concerned, unless the Government regularise the same and assign the lands in favour of the eligible poor landless people, the occupier cannot claim patta or title over such properties.



5. Mere occupation of the lands belonged to the Government would not confer any title or right to claim patta. If at all the petitioner is of an opinion that she is the title holder, then the petitioner has to approach the Competent Civil Court of Law for the purpose of establishing her title. Only if the title is established, the petitioner would be entitled to get patta on production of such decree from the Competent Court of Law. So long as the classification of lands remained as 'Sarkar Natham Poramboke', the petitioner cannot claim patta merely by submitting an application.

6. In the present case, the Government has not regularised the lands nor assigned the lands in favour of the father-in-law of the petitioner or in the name of the petitioner.

7. That being the factum, the petitioner has not established any right for the purpose of grant of the relief as such sought for in the present writ petition. It is an order passed by the Tahsildar, which is in consonance with the provisions of the Statute and there is no infirmity.



8. Accordingly, the present writ petition stands dismissed.

However, there shall be no order as to costs.

15-06-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn

To

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