



WEB COPY



W.P.No.11444 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.11444 of 2017

S.Vadivel

... Petitioner

Vs.

1.The Special Tahsildar,
Town Settlement Office,
Royakottai Road,
Hosur, Krishnagiri District.

2.Anandan

... 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 1st respondent relating to the proceedings issued in Mu.Mu.No.202/2016 dated 23.05.2016 quash the same and consequently direct the 1st Respondent to either issue patta or issue Town Survey Land Register extract to the petitioner in respect of land to an extent of 825 sq.ft. Comprised in Survey No.6/1A/1A/1A/4, Ward D, Block No.21, T.S.No.114, Hosur Town, Hosur Taluk, Krishnagiri District.

For Petitioner : Ms.R.Divya Prathiksha
for Mr.R.Bharth Kumar

For Respondents : Mr.N.Naveenkumar
Government Advocate for R1

: Not ready in notice for R2



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ORDER

The order impugned passed by the 1st respondent/Special Tahsildar rejecting the application submitted by the writ petitioner for grant of patta is under challenge in the present writ petition.

2. The petitioner states that the land measuring an extent of 825 Sq.ft. comprised in Survey No.6/1A/1A/1A/4, Ward D, Block No.21, T.S.No.114, Hosur Town & Taluk, Krishnagiri District originally belonged to one Mr.D.Ramachandran and 5 others. The petitioner purchased the said land in the year 2011 from Mr.R.Mohan S/o L.Ramasamy vide Document No.16196/2011.

3. The learned counsel for the petitioner reiterated that the petitioner is in continuous possession of the subject land from the year 2011 onwards and accordingly he submitted an application for grant of patta. The 1st respondent/Special Tahsildar, without considering the fact that the vendor to the petitioner was also in possession of the property, rejected the application. Thus, the petitioner is constrained to move the present writ petition.



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4. The learned Government Advocate appearing on behalf of the 1st

respondent made a submission that the petitioner is not entitled to get patta in view of the fact that the subject land is a vacant land and classified as 'Gramanatham Government Poramboke' as per the Town Survey Register of Hosur Town. The 1st respondent has stated the classification of the subject land in para 5 and 6 of the counter which reads as under:

“5.It is respectfully submitted that the petitioner has purchased the said land in S.No.6/1A/1A/1A/4 which is classified as Village Site Poramboke (Gramanatham Government poramboke) as per Town Survey Register of Hosur Town. The petitioner has claimed patta for the Village Site Poramboke land which is against Page No.4, Paragraph 5 of the G.O.(ID) No.103 Revenue S.S. II(1) Dept. dated 01.03.2007. Granting of Patta by the Settlement Tahsildar to an individual should be 30 years of enjoyment and possession of the said Gramanatham land.

6. It is pertinent to state that only in the year 2011 the petitioner has purchased the said Gramanatham Government poramboke land through a sale deed dated 17.11.2011. Hence the petitioner is not eligible to claim Patta for the vacant site for the reasons stated above.“



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5. In view of the fact that the petitioner is not complying with the requirements as contemplated under the Government Order, he is not entitled for grant of patta. More so, the land belongs to Government and the Government has to assign the land or grant patta scrupulously by following the conditions stipulated either under the Scheme or under the Government Order. Thus, the petitioner has not established any ground for the purpose of considering the relief as such sought for in the present writ petition. Accordingly the Writ Petition stands dismissed. However, there shall be no order as to costs.

30.06.2023

Index : Yes / No

Speaking order : Yes / No

Sgl

To

The Special Tahsildar,
Town Settlement Office,
Royakottai Road,
Hosur, Krishnagiri District.



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S.M. SUBRAMANIAM, J.

Sgl

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