



WEB COPY

WP No.11965 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.11965 of 2017

M.K.Varadhan

... Petitioner

Vs.

1.The Commissioner,
Office of the Commissioner of Land Reforms,
Chepauk,
Chennai-600 005.

2.The District Collector,
Thiruvannamalai Collectorate Office,
Thiruvannamalai.

3.The Revenue Divisional Officer,
Cheyyar Taluk,
Cheyyar,
Thiruvannamalai District.

4.The Tahsildar (Land Survey),
Cheyyar Taluk,
Cheyyar,
Thiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



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for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent proceeding in Na.Ka.A2/141/2016 dated 25.07.2016 and quash the same and directing the third respondent to issue correct land survey register, patta and sketch in respect of remaining land of the petitioner measuring an extent of 1354 sq.ft., comprised in Survey Number 442/3B, Ward No.A, Block No.12, T.S.No.12/12A, 12C at Kodanagar Village, Thiruvathipuram, Cheyyar Town, Cheyyar Taluk, Thiruvannamalai District.

For Petitioner : Mr.V.Manisekaran

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate.

ORDER

The Sub Collector, Cheyyar passed the impugned order dated 25.07.2016. The impugned order has been passed pursuant to the directions issued by this Court in WP No.3619 of 2016 dated 02.02.2016 and this Court directed the Authorities to consider the representation submitted by the petitioner.

2. It is not in dispute that the land belonged to the petitioner



was acquired for expansion of Road Project.

3. The learned counsel for the petitioner states that the land acquired and the petitioner received compensation in respect of the left out portion of the land belonging to the petitioner, he submitted an application for grant of patta.

4. In respect of part of the said portion, patta has already been granted. However, the Authorities have not granted patta for the remaining portion and in this regard, the petitioner has submitted representation, which was rejected by the Sub Collector and thus the petitioner has been constrained to move the present writ petition.

5. The learned counsel for the petitioner mainly relied on the reply given by the Public Information Officer under the Right to Information Act and states that no excess land has been acquired over and above the land originally acquired from the petitioner. Therefore, there is no impediment for the Authorities to grant patta.



6. The learned Government Advocate appearing on behalf of the respondents raised an objection by stating that as per the directions issued by this Court in WP 3619 of 2016 dated 02.02.2016, necessary actions had been taken by the Block Deputy Surveyor. The land in question has been inspected, surveyed and correct Land Register, Sketch and patta copies have been given to the land owner along with the impugned order.

7. Confusion aroused because the Authorities have acquired excess land, which was utilised for Public Project and compensation also has been paid to the writ petitioner for the additional acquisitions made.

8. It is stated that as per LAOP No.5 of 2008, dated 26.07.2008, the compensation amount of Rs.44,558/- has been settled in favour of the petitioner through Court. 661 sq.ft., of land has been acquired in addition to the original acquisition made and therefore patta has been granted in respect of the balance land, excluding the excess land acquired. In respect of excess land, the same has already been measured and patta has been granted in favour of the petitioner.



9. The learned counsel for the petitioner presented the photographs and states that the petitioner is in occupation of the said portion of the land and put up some temporary sheds. If at all there is any conflict in this regard, the respondents shall re-survey the land and identify the boundaries and accordingly, settle the issues in the manner known to law.

10. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs.

13-07-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

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3.The Revenue Divisional Officer,
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