



W.P.No.30540 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30540 of 2023

D.Kalaiyarasi
W/o.Dhanapal

... Petitioner

versus

1. The Secretary to Government
Revenue Department
Fort St.George
Chennai-600 009.
2. The Commissioner of Land Administration
Chepauk,
Chennai-600 005.
3. The District Collector
Kallakurichi District.
4. The District Revenue Officer
Kallakurichi District.
5. The Revenue Divisional Officer
Kallakurichi
Kallakurichi District.
6. The Tahsildar
Sankarapuram Taluk
Kallakurichi District.

Pg.Nos.1/8



W.P.No.30540 of 2023

7. The Block Development Officer
Kallakurichi
Kallakurichi District.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 and 5 to 7 to implement the 4th respondent's order in P.Mu.A2/6250/2020 dated 06.07.2022 and to rectify the classification of "Anatheenam" (Government Land) and to carry out / restore the mutation of the revenue records of Patta No.2051, Chitta and 'A' Register in Sr.No.130/3 to the extent of 0.40.5 acres land to computerized in petitioner's name under Rule 10(1) of the Patta Pass Book Act in respect of the property situated at Alathur Village and Post, Sankarapuram Taluk, Kallakurichi District.

For Petitioner	:	Mr.E.K.Kumaresan
For Respondents	:	Mr.P.Gurunathan Additional Government Pleader for R1 to R6 Mr.P.Sathish Additional Government Pleader for R7

ORDER

This writ petition has been filed seeking for a mandamus to direct the respondents 1 to 3 and 5 to 7 to implement the order dated 06.07.2022 made in P.Mu.A2/6250/2020, to rectify the classification of "Anatheenam" (Government Land) and to carry out / restore the mutation of the revenue

Pg.Nos.2/8



W.P.No.30540 of 2023

records of Patta No.2051, Chitta and 'A' Register in Sr.No.130/3 to the extent of 0.40.5 acres land in the name of petitioner under Rule 10(1) of the Patta Pass Book Act in respect of the property situated at Alathur Village and Post, Sankarapuram Taluk, Kallakurichi District.

2. The case of the writ petitioner is that the 6th respondent vide order dated 25.10.1999 bearing referece No.DKT 20/1409 has allotted the subject matter property and issued computer patta No.2051 to the writ petitioner. Subsequently, without proper enquiry, 4th respondent cancelled the Patta No.2051 and converted the said land into "Government Land" vide proceedings dated 25.07.2005 bearing reference Na.Ka.No.8/55916/2004. Challenging the same, the writ petitioner filed an appeal before the second respondent and the same was dismissed on 21.12.2011. Challenging the dismissal order, the writ petitioner filed a writ petition vide W.P.No.26565 of 2012 and the same came to be allowed on 27.08.2021 by giving a direction to the third respondent to conduct enquiry and pass orders on merits and in accordance with law. Pursuant to the order passed in W.P.No.26565 of 2012, the 4th respondent passed the impugned order



W.P.No.30540 of 2023

dated 06.07.2022 wherein certain directions have been given but the same has not been complied with. Hence, the writ petitioner made a representation dated 10.08.2023 to the respondents to implement the directions given in the impugned order made by the 4th respondent but the same has not been done so far and hence, the present writ petition has been filed.

3. Learned counsel for the petitioner submits that the 4th respondent has passed the impugned order dated 06.07.2022 bearing No.Pa.Mu.Aa.2/6250/2020 by giving certain directions which read as follows:

'1. Any local bodies are advised not to utilise / enter the Court disputed / contempt land without getting due permission / court orders / government orders.

2. RDO, Kallakurichi recommended for disciplinary action on BDO, AE and president of Kallakurichi for violating the Court order drawing contempt of petition. So, this may be enforced to avoid any further contempt by the concerned department.

3. The orders on Reassignment to the petitioner may be taken by the Government considering the petitioner's application since petitioner was said to be under Chemotherapy Treatment



W.P.No.30540 of 2023

for cancer away from Kallakurichi long period.

4. All Thasildars are directed to recommend for the cancellation of any / all illegal land assignments. The Superintendent of B Section is directed to compile and put up the files within the month.'

4. The main grievance of the writ petitioner is that even though certain directions have been given by the fourth respondent to consider the writ petitioner's application, respondents 5 and 6 have not taken any steps to comply with the said order.

5. Learned Additional Government Pleader for respondents fairly submits that writ petitioner's representation dated 10.08.2023 has not been considered so far and the same will be considered as expeditiously as possible.

6. Heard both sides and perused the materials available on records.

7. Therefore, without expressing any view on the merits of the matter, this Writ Petition is disposed of with a direction to the respondents to



W.P.No.30540 of 2023

consider the petitioner's representation dated 10.08.2023, after affording an opportunity of hearing and pass appropriate orders on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

31.10.2023

Speaking/Non-speaking order

Index:Yes/No

Neutral Citation : Yes/No

mk

To

1. The Secretary to Government
Revenue Department
Fort St.George
Chennai-600 009.
2. The Commissioner of Land Administration
Chepauk,
Chennai-600 005.
3. The District Collector
Kallakurichi District.
4. The District Revenue Officer
Kallakurichi District.
5. The Revenue Divisional Officer
Kallakurichi
Kallakurichi District.
6. The Tahsildar
Sankarapuram Taluk
Kallakurichi District.
7. The Block Development Officer

Pg.Nos.6/8



Kallakurichi
Kallakurichi District.

WEB COPY



W.P.No.30540 of 2023



WEB COPY



W.P.No.30540 of 2023

P.VELMURUGAN, J.

mk

W.P.No.30540 of 2023

31.10.2023

Pg.Nos.8/8