



W.P.No.31054 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31054 of 2023

D.Naseema

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Petitioner

/vs/

1.The Principal Secretary/
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Collector,
Chengalpattu District,
Chengalpattu.

3.District Revenue Officer,
Chengalpattu District,
Chengalpattu.

4.Revenue Divisional Officer,
Chengalpattu District,
Chengalpattu.

5.The Tahsildar,
Chengalpattu District,
Chengalpattu.

...

Respondents



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PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to reclassify the land which are classified as Anadhinam and regularize the occupation of the petitioner in respect of the residential house put up at S.No.31/3, Eachankaranai Village, Kunnavakkam Panchayat by considering petitioner's representation dated 05.04.2023 within a time frame fixed by the Hon'ble Court.

For Petitioner ... Mr.C.Jagadish

For Respondents ... Mr.P.Gurunathan
Additional Government Pleader

ORDER

The writ petition has been filed to issue a Writ of Mandamus to direct the respondents herein to re-classify the land which are classified as Anadhinam and regularize the occupation of the petitioner in respect of the residential house put up at S.No.31/3, Eachankaranai Village, Kunnavakkam Panchayat, by considering the petitioner's representation dated 05.04.2023.

2.The learned counsel appearing for the petitioner submitted that the land is classified in the Revenue Records as “Anadhinam” land and the portion of the lands was occupied by the petitioner and she also constructed a house and also paid the house tax. For want of patta, the petitioner gave



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a representation dated 05.04.2023 to the respondents. In pursuance of the said representation, the 1st respondent has given a letter dated 19.04.2023 to the 2nd respondent to take action, thereafter, the 2nd respondent on 08.06.2023 directed the 5th respondent to conduct an enquiry and communicate the outcome of the enquiry to the petitioner as well as the second respondent. So far, the 5th respondent has not taken any action and till now, the petitioner has not received any communication from the respondents. Therefore, he filed the present writ petition.

3.The learned Additional Government Pleader appearing for the respondents submits that the land is in the city limit of Chengalpattu and therefore, there is a prohibition for granting house patta, otherwise also, the petitioner is not eligible for the same.

4.Considering the fact that the second respondent herein directed the 5th respondent to conduct enquiry on the petitioner's representation and submit an action taken report to the second respondent and also the writ petitioner, but the 5th respondent so far has not initiated the proceedings



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and also not filed any action taken report, the second respondent is directed to initiate departmental proceedings against the 5th respondent for insubordination and the second respondent is directed to file action taken report before this Court within a period of two months.

5. Under the above circumstances, the 5th respondent is directed to consider the said representation of the petitioner, after issuing notice to the petitioner and also the other occupants/ rival claimants and conduct an enquiry in the manner known to law and pass order on merits and in accordance with law. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

7. Post this matter on 13.02.2024 for reporting compliance.

Index : Yes/No

16.11.2023

speaking order: Yes/No

Neutral Citation: Yes/No

sms

Note: Issue order copy on 04.01.2024



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To

WEB COPY

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P.VELMURUGAN,J.



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