



WEB COPY



W.P.No.21703 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.21703 of 2018
and
W.M.P.No.25461 of 2018

1.B.Kuppammal
2.S.Jayaseelan

...Petitioners

-Vs-

1.The Commissioner of land Reforms,
Ezhilagam,
Chepauk, Chennai – 600 005.

2.The District Collector,
Master Plan Complex, NH 205,
Thiruvallur District,
Thiruvallur – 602 001.

3.The District Revenue Officer,
Master Plan Complex, NH 205,
Thiruvallur District,
Thiruvallur – 602 001.

4.The Revenue District Officer,
J.N.Road, near Post Office,
Thiruvallur District,
Thiruvallur.

5.The Tahsildar,
J.N.Road, near Old Subordinate Court,
Thiruvallur District,
Thiruvallur – 602 001.

...Respondents

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



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praying for the issuance of a direction in the nature of Writ of Mandamus, forbearing the respondents from interfering with the peaceful possession and enjoyment of the property in S.No.308 measuring 2 acres 50 cents at Perambakkam, Thiruvallur Taluk and to pay compensation for a sum of Rs.10,000,00/- (Rupees Ten Lakhs Only) for the damages caused by the respondents and pass such further orders.

For Petitioners : Mr.David Tyagaraj

For Respondents : Mrs.R.L.Karthika
Government Advocate

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, forbearing the respondents from interfering with the peaceful possession and enjoyment of the property in S.No.308 measuring 2 acres 50 cents at Perambakkam, Thiruvallur Taluk and to pay compensation for a sum of Rs.10,000,00/- (Rupees Ten Lakhs Only) for the damages caused by the respondents.

2. Learned counsel for the petitioners submitted that the petitioners' father, late R.T.Subraman Mudaliyar, has been carrying on agricultural activities in survey no.308 measuring 2 acres 50 cents at Perambakkam.



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Thiruvallur Taluk from 25.11.1966 onwards, based on the proceedings by the Collector of the Chingleput District in K.Dis.45413/66 dated 25.11.1966 based on which an assignment patta was issued and a copy of the same is also enclosed in the typed set as proof. The petitioners' father has been conducting agricultural activities from 25.11.1966 till his demise on 14.01.1993. Thereafter, the petitioners have been cultivating the said lands till date. The said land has been classified as Kasam Poramboke Lands.

3. Learned counsel further submitted that the second petitioner had sought for patta for the said lands from the District Collector, Kancheepuram, who in turn forwarded his application for patta to the first respondent herein in Na.Ka.??34780/93 ?2 dated 30.05.1994 and kept the said application pending till date. Since the respondents had failed to issue patta pertaining to the lands mentioned supra, the petitioners sent a letter to the second respondent and the same was forwarded to the fifth respondent as per O.M.17405/2010/No.1 dated 12.05.2010. However, the fifth respondent has failed to process their application for patta.

4. Learned counsel further submitted that in the same survey no.308



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Tamil Nadu Small Industries Development Corporation Limited has obtained patta. The petitioners continue to be in physical possession of the said lands till date and they have been paying B Notice from 1966 to till date. The respondents entered the petitioner's land on 03.08.2018 without any prior notice and have damaged the petitioners' land. The respondents destroyed a neem tree, which is worth Rs.5,000/- (Rupees Five Thousand only). After damaging the petitioners' lands, the respondents have closed their well, which is worth about Rs 5,00,000/- (Rupees Five Lakhs only) and there is no water supply in the said land due to the damage.

5. Learned counsel further submitted that the petitioners have been put to great suffering and hardship as they are unable to carry on the agricultural activities since the borewell has been destroyed and the petitioners' only source of income is from the said lands by way of agriculture activities. They have not used the said lands for commercial purposes and they have been only cultivating in the said lands till date. Hence, the present writ petition has been filed.

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



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7. In view of the limited prayer sought for and without going into the merits of the case, this Court is inclined to pass the following directions:

- a) The petitioners are directed to give a representation to the first respondent / Commissioner of land Reforms, Ezhilagam, Chepauk, Chennai, for regularization of patta in the name of the petitioners within a period of two weeks from the date of receipt of a copy of the order.**
- b) On receipt of the same, the first respondent is directed to consider the petitioners' representation and pass appropriate orders on merits, in accordance with law, within a period of eight weeks thereof.**

In the result, the writ petition stands disposed of with the above observation and directions. No costs. Consequently, connected miscellaneous petition is closed.

22.07.2024

cda

Index : Yes/No

Speaking / Non Speaking Order

J.SATHYA NARAYANA PRASAD, J.

cda

To



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