



W.P.No.13861 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.13861 of 2023
and
W.M.P.No.13515 of 2023

K.N.Balaji

... Petitioner

Vs.

- 1 The District Collector
Thiruvallur District.
- 2 The Distrit Revenue Officer
Thiruvallur District.
- 3 The Thasildar
Ponneri,
Thiruvallur District.
- 4 Govinda Swami,
President,
Arulmigu Sri Bhavani Amman temple,
Padiyanallur Village, Thiruvallur District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent 1 and 3 to issue patta to the petitioner in respect of his land bearing S.No. 145/6 to an extent of 47 cents at No. 118, Padinallur Village, Ponneri Thiruvallur District, considering the report of the Tahsildar bearing Na.Ka.No. 5556/2017/Aa1 dated 23.07.2018 and consequently forbear the respondents from interfere with the peaceful possession and enjoyment of this aforesaid land without authority of law and without recourse the procedure contemplated under law.

For Petitioner : Mr.P.R.Thiruneelakandan

For R1 to R3 : Mr.R.Vigneshwaran

For R4 : No appearance

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondent 1 and 3 to issue patta to the petitioner in respect of his land bearing S.No. 145/6 to an extent of 47 cents at No. 118 Padinallur Village Ponneri Thiruvallur District, considering the report of the Tahsildar bearing Na.Ka.No. 5556/2017/Aa1 dated 23.07.2018



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and consequently forbear the respondents from interfere with the peaceful possession and enjoyment of his aforesaid land without authority of law and without recourse the procedure contemplated under law.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the official respondents.

3. Today when the matter is taken up for hearing, there is no representation for the fourth respondent.

4. Learned counsel for the petitioner submitted that he is the absolute owner of the subject land and he had acquired right and title over the land under the settlement deed in Doc.No.9852 of 2011 dated 13.02.2011. Out of total extent of land, the petitioner has title and possession to an extent of 0.19.0 Ars and the private respondent Temple has title and possession to the remaining extent. The fourth respondent made a representation dated 28.10.2017 alleging that the petitioner encroached the temple land in S.No.145/6. Hence the petitioner also



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made representation dated 30.10.2017 to the respondent stating that he is the absolute owner of the said land. The fourth respondent illegally trespassed into the petitioner property and demolished the compound wall around his property. Hence, the petitioner filed the present writ petition to direct the respondents to issue patta in respect of his land.

5. The official respondents filed their counter and the contents of the counter is not related to the current issues involved in the writ petition. Though the first respondent found that the Government has banned assignment of land in the villages lying in the belt area, the subject land in question is a private land and hence there is no question of assignment would rise. The issue involved in the writ petition is as to whether the petitioner is entitled to get patta for the Suvey No.145/6.

6. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the respondents 1 to 3 to consider the



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petitioner's representation for issuance of patta, if the petitioner is otherwise eligible and conduct enquiry in the manner known to law after issuing notice to the petitioner, the fourth respondent herein, adjacent land owners of four boundaries of the subject property and interested parties/rival claimants/objectors if any, as the case may be, and after giving opportunity to them and pass orders on merits and in accordance with law. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. With the abovesaid direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

31.01.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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