



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14710 of 2019

and

W.M.P.No.14705 of 2019

L.V.Hemantharaja

... Petitioner

Vs.

1.The Special Tahsildar,
Madhavaram Taluk,
Thiruvellore District.

2.Zonal Officer,
Zone No.3,
Great Chennai Corporation,
No.1, Thattankulam Road,
Madhavaram,
Chennai – 600 060.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Na.Ka.101/2018/A1 dated nil April 2018 and quash the same and direct the first respondent to issue Patta for the land of the Survey No.50/1.



For Petitioner : Mr.S.V.Ramamurthy
For R1 : Mr.T.Arunkumar
Additional Government Pleder
For R2 : Mr.R.Ramanlaal
Additional Advocate General
Assisted by
Ms.P.T.Ramadevi
Standing Counsel for GCC

ORDER

The writ petition has been instituted challenging the letter issued in April, 2018 and to direct the 1st respondent to issue Patta in the name of the petitioner for the land in Survey No.50/1.

2. The petitioner states that he is the absolute owner of the lands situated in Old Suvery No.1361/1 and New Survey Nos.50/3, 50/2, Madhavaram Village (Sastri Nagar) in Kolattur, Chennai.

3. The petitioner has narrated the facts relating to the subject land and further elaborated the basis, on which the family property was allotted in his favour. The respondent/Corporation made an attempt to encroach upon



the Patta land belongs to the petitioner and a complaint was given by the petitioner not to encroach the Patta land. Since the appeal filed by the petitioner was rejected, the present writ petition came to be instituted.

4. Pursuant to the interim order passed by this Court on 11.01.2024, the petitioner has produced the title documents and other relevant records to establish his title. The Revenue Officials along with the Corporation Officials conducted survey and found that the subject land belongs to the writ petitioner and a Patta land.

5. The learned Additional Advocate General, Mr.Ramanlaal, would contend that the competent Authorities found that the subject land belongs to the petitioner and a Thar road has already been laid in a portion of the Patta land. Thar road has been laid based on the request made by the people of that locality and the Authorities have subsequently, found it is a Patta land. Therefore, this Court directed the Authorities to find out a solution. The 2nd respondent/Zonal Officer, Greater Chennai Corporation has filed an affidavit dated 04.02.2024 stating as follows:

“8.as per the meeting with the Commissioner and the Regional Deputy Commissioner (North) of Greater



Chennai Corporation it has been decided to hand over the suit land (a portion of road) to the petitioner based on the report of Revenue Authorities and also to remove the Tar Road, Pole and the Transformer erected by the TANGEDCO.

9.as per the decision taken, a letter dated 02.02.2024 has been sent to TANGEDCO requesting to remove the Transformer and Pole erected by them in order to hand over the suit land to the petitioner.

10.the suit land in Ward D, Block 50 T.S.No.50/1, Old Survey No.1361/1 in Madhavaram Village will be handed over to the petitioner after removal of Transformer and pole erected by the TANGEDCO.”

6. Administrative decision was taken to handover the land belongs to the petitioner by removing the Tar road and clearing other obstacles. In view of the affidavit filed by the 2nd respondent, the respondents are directed to clear the road by removing all the obstacles and handover the vacant possession of the said portion of the land to the petitioner within a period of three (3) months from the date of receipt of a copy of this order.

6.1. The TANGEDCO is directed to remove the electric fixes, cables etc., from the subject land as per the request made by Chennai Corporation. The said exercise is directed to be completed simultaneously within a period of 3 months from the date of receipt of a copy of this order.



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6.2 As far as the other relief sought for by the petitioner to grant Patta is concerned, now the 2nd respondent has filed an affidavit stating that administrative decision was taken to handover the Patta land to the petitioner by removing obstructions and fixes made by the respondents. In view of the said affidavit, the 1st respondent/Tahsildar is directed to grant Patta in favour of the petitioner, in respect of the portion of the land, on receipt of application from the petitioner for grant of Patta under the provisions of Tamil Nadu Patta Passbook Act. In the event of receiving any such application, it is to be disposed of within a period of eight (8) weeks from the date of receipt of a copy of application from the writ petitioner.

7. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2024

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Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No



To

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S.M.SUBRAMANIAM, J.

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