



W.P.No.21418 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.21418 of 2024

V.Seetha

.. Petitioner

Versus

1.The District Collector,
Kancheepuram District,
Kancheepuram-631 501.

2.The District Revenue Officer,
Collectorate Office,
Kancheepuram District-631 501.

3.The Revenue Divisional Officer,
Sriperumbudur and Post,
Kancheepuram District-602 105.

4.The Tahsildar,
Kundrathur Taluk,
Kancheepuram District-600 069.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Directing the 3rd respondent to issue patta in respect of 1780sq. feet of land in survey No.23/1 (New No.23) Athanacheri Village, Kundrathur Taluk (formerly Sriperumbudur Taluk) Kancheepuram District, based on the report of the 3rd



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respondent given in Na.Ka.1728/2014/A2 dated 18.06.2014 and the report of the 1st respondent given in Na.Ka.14985/2014/ B2 dated 08.03.2016 as well as the judgment of this Court made in WP No.9333 of 1997 dated 19.12.1997 reported in (1998 (3) LW 603) to the petitioner forthwith.

For Petitioner : M/s.Ebenezer paul

For Respondents : Mr.G.Ameedius,
Government Advocate

ORDER

With the consent of both sides, the main writ petition itself is taken up for final disposal at the admission stage.

2.This Writ Petition is filed to issue a direction to the 3rd respondent to issue patta in respect of 1780sq. feet of land in survey No.23/1 (New No.23) Athanacheri Village, Kundrathur Taluk (formerly Sriperumbudur Taluk) Kancheepuram District, based on the report of the 3rd respondent given in Na.Ka.1728/2014/A2 dated 18.06.2014 and the report of the 1st respondent given in Na.Ka.14985/2014/ B2 dated 08.03.2016 as well as the judgment of this Court made in WP No.9333 of 1997 dated 19.12.1997 reported in (1998 (3) LW 603) to the petitioner forthwith.



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3.The case of the petitioner is that she had purchased 1460sq.ft., of land from one M.Selvan by a registered sale deed dated 07.06.2011 through document No.5916/2011 on the file of Sub Registrar office-Guduvanchery and the sale deed was executed by her power agent viz., P.B.Venkatesh, which was classified as Grama Natham Land. The petitioner's mother had given by way of settlement deed dated 25.03.2015 in document No.4069/2015 on the file of Sub Registrar, Guduvancherry to an extent of 1200 sq.ft. Thereafter, the petitioner had sold 880sq.ft., land to one S.Sujatha by sale deed dated 28.09.2018 in document No.11550/2018 on the file of Sub Registrar, Guduvancherry. When the petitioner had applied for patta, the 4th respondent had inspected the said land and submitted a report to the 3rd respondent on 14.02.2014. The 3rd respondent has also inspected the site and submitted a report to the 2nd respondent on 18.06.2014. Thereafter, the 2nd respondent has made spot inspection on 13.02.2016 and submitted a report to the 1st respondent, based on which, the 1st respondent in Na.Ka.No.14985/2014/B2 dated 08.03.2016, had recommended to the Additional Chief Secretary and Commissioner of Land Administration, Chepauk, Chennai, who is the competent authority to issue patta in respect of grama natham land. The Government of Tamil Nadu, vide G.O.Ms.No.233 Revenue and Disaster



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Management Department (Survey and Settlement Wing(SS-II(1)) Section)

dated 05.02.2021, ordered that the Revenue Divisional Officers are the competent authorities to issue patta in respect of Grama Natham Land. Though an order was passed by the Government as early as on 05.02.2021, no action was taken by the third respondent to grant patta to the petitioner. In such circumstance, the petitioner has submitted a representation on 10.04.2023 to the 3rd respondent and the same is pending till date. Hence, the present Writ Petition.

4.Heard learned counsel for the petitioner, learned Government Advocate appearing for the respondents and perused the materials available on record.

5. It is now well settled by a judgment of Division Bench of this Court in W.A.No.843 of 2022 dated 23.07.2024 (District Collector of Tiruvannamalai Vs. K.Siva Shanmugam(deceased) and others), wherein it has been held that once Natham land is occupied and the occupation is recognized by the government by issue of a patta under the Natham Settlement Scheme, such land will not and cannot be held to belong to the Government. In such view of the matter, as the authorities have already recommended and submitted their reports for grant of patta in favour of the petitioner and since the third



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respondent is the competent authority for issuance of patta, he is directed to consider the representation of the petitioner dated 10.04.2023 and pass appropriate orders on the same on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

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

29.07.2024

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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N. SATHISH KUMAR, J.

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