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WP.No.31118 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

WP.No.31118 of 2024

Abhidass

.. Petitioner

Versus

1.The Government of Tamil Nadu
Rep by its Principal Secretary to Government
Revenue Department
Fort St.George, Secretariat
Chennai – 600 009

2.The District Collector
Thiruvannamalai, Thiruvannamalai District

3.The District Revenue Officer
Thiruvannamalai, Thiruvannamalai District

4. The Revenue Divisional Officer
Thiruvannamalai, Thiruvannamalai District

5.The Tahsildar
Thandrampattu
Thandrampattu Taluk, Thiruvannamalai District

6.The Block Development Officer
Thandrampattu Taluk, Thiruvannamalai District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to issue patta to the petitioner on the proposal/recommendation made by the fifth respondent in his proceedings Na.Ka.No Aa2/080/2019 dated 09.01.2019.



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For Petitioner : Mr.R.Chellamuthu
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner herein seeks for a direction to the fourth respondent to issue patta to the petitioner on the proposal/recommendation made by the fifth respondent in his proceedings Na.Ka.No Aa2/080/2019 dated 09.01.2019.

2. It is the case of the writ petitioner that 2 acres land in S.No.41/1 at T.Mottur Village, Thandrapattu Taluk, Thiruvannamalai District has been in possession and enjoyment of the petitioner's ancestor and for the past 60 years. Therefore, based on his long possession, the petitioner's mother submitted a representation to the second respondent on 13.03.2017 seeking grant of patta in her name. The 5th respondent in his proceedings in Na.Ka.No Aa2/080/2019 dated 09.01.2019 forwarded a report to the 4th respondent for reclassification of entire extent in S.No.41/1 as Punjai Tharisu and for assignment of land in favour of petitioner's mother.

3. It is also brought to the notice of the Court that a writ petition was filed before this Court in W.P.No.7682/2019 seeking for removal of the petitioner's occupation in S.No.41/1 treating the petitioner as encroacher. The



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said writ petition was disposed of on 11.01.2024 by this Court with the following directions.

“3. Learned State Government Pleader, on instructions from the Tahsildar, Thandrampattu, submits that one Kannan, son of Kariya Konder and others have filed applications for issuance of patta. The said proceedings would be decided within one month. In case the applications for issuance of patta are rejected, further steps would be undertaken to remove the encroachments immediately.”

4. Therefore, it clear that the respondents undertook before this Court that the application of the petitioner's mother for issuance of patta will be considered and if the same is rejected, further steps would be undertaken to remove the encroachment. It is not in dispute that the fifth respondent in his proceedings in Na.Ka.No Aa2/080/2019 dated 09.01.2019 forwarded a report to the 4th respondent recommending reclassification of land enabling the other respondents to consider the request of the petitioner's mother for assignment. In the writ affidavit, petitioner averred that his mother is now employed at Dubai and hence, he has filed writ petition on her behalf. The said fact should also be taken into consideration by respondents while considering her request for assignment of patta.



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5. Under these circumstances, this Court without going into the merits of the case, directs the fourth respondent to forward the report submitted by the fifth respondent to the second respondent, with his comments, within a period of two weeks from the date of receipt of a copy of this Order. The second respondent shall consider the representation of the petitioner dated 13.03.2017 for grant of patta in light of the recommendation made by the fifth respondent dated 09.01.2019 and undertaking made before this Court in W.P.No.7682 of 2019 and pass appropriate orders on merits and in accordance with law within a period of six weeks thereafter.

6. Accordingly, this writ petition stands disposed of. No costs.

28.10.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

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The Government of Tamil Nadu
Revenue Department
Fort St.George, Secretariat
Chennai – 600 009



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S. SOUNTHAR, J.

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