

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.4.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.9795 of 2015

1. S.Manickam
2. Jayakumar
3. Chinnathayee
4. Annamalai
5. Muniyan
6. Ranganathan
7. Amaravathi
8. Perumal
9. Govindaraj
10. Appavu
11. Koppi alias Kandayae
12. Vasanthi

.... Petitioners

Versus

1. The District Collector
Salem District, Salem
2. The District Revenue Officer
Office of the Collectorate
Salem
3. Revenue Divisional Officer
Salem
4. The Tahsildar, Salem

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ of mandamus directing the 1st Respondent herein to implement the order in D.O.Re F2/38365/96 dated 26.08.1996 and 23.07.1997 of Special Commissioner, Coimbatore of Land Chepauk and to issue pattas to the respective Petitioners of the lands in S.No.42 of Chettichavadi Village, Salem Taluk and District in accordance with law.

For Petitioners : Mr.J.Franklin

For Respondent : Mr.S.Gunasekaran
Government Advocate

O R D E R

Writ petition has been filed seeking for issuance of mandamus directing the respondents herein to implement the order in D.O.Re F2/38365/96 dated 26.08.1996 and 23.07.1997 of Special Commissioner, Coimbatore of Land Chepauk and to issue patta to the respective Petitioners of the lands in S.No.42 of Chettichavadi Village, Salem Taluk and District in accordance with law.

2. According to the petitioners, they are in possession and enjoyment of the agricultural land to the extent of 184.90 hectares in S.No.42 of Chettichavadi Village, Salem District, which is a 'Tharisu' land. The petitioners have made representation to the Government to hand over the said 'Tharisu' lands to them as they are cultivating dry crops in the said lands. The Government, after considering the representation, have passed an order in G.O.Ms.No.312, Revenue (F1) Department, dated 08.4.1996 converted the said lands from Kardu Poramboke to Assessed 'Tharisu' for eventual assignment to 300 Adi Dravidars and also directed to issue patta in their respective names. Though the Special Commissioner and Commissioner for Land Administration, Chepauk, Chennai has inspected the lands and conducted enquiry, no effective steps were taken to issue patta. Therefore, the petitioners have made representation dated 31.1.2014 to the first respondent requesting to issue patta. Since no order was passed, the petitioners are before this Court.

3. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondents.

4. The only grievance of the petitioners is that though the orders have been passed by the Government as early as on 08.4.1996 directing to issue Patta to them, no effective steps have been taken by the respondents to issue patta.

5. Admittedly, the Government have passed orders as early as in the year 2006 converting the lands in question as Assessed 'Tharisu' and directed the authorities to issue patta in their respective names. However, pata has not been issued by the respondents till date to the respective persons. The reasons for non issuance of patta are also not known.

6. From the records, it is seen that the matter is pending before the District Revenue Officer. The Commissioner, Land Administration has already issued instructions to the District Revenue Officer vide letter No.D.O.Rc.F2/38365/96 dated 26.8.1996. The District Revenue Officer is yet to pass orders.

7. Therefore, the authority concerned is directed to pass appropriate orders on the representation dated 31.1.2014 in the light of the Government Order in GO.Ms.No.312 Revenue (F1) Department dated 08.4.1996, within a period of 15 days from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Salem District, Salem
2. The District Revenue Officer
Office of the Collectorate
Salem
3. Revenue Divisional Officer
Salem
4. The Tahsildar, Salem

+1cc to Mr.J.Franklin, Advocate, S.R.No.18681

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SKV(CO)
CA(20/04/2015)

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