

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.Nos.22539 to 22543 of 2015
and

M.P.Nos.1 to 4 of 2015

1. A.Tamilarasan
S/o. Arumugam
6/102, Nehru Nagar,
Kaaripatti, Vazhapadi Taluk,
Salem District. ...Petitioner in WP.22539 of 2015
2. T.Periyasamy
S/o.Thandavan
171, Kaaripatti, Vazhapadi Taluk,
Salem District. ...Petitioner in WP.22540 of 2015
3. K.Prabhu
S/o.Karunanithi
5/144, Nehru Street,
Kaaripatti, Vazhapadi Taluk,
Salem District. ...Petitioner in WP.22541 of 2015
4. K.P.Elango
S/o.Palanimuthu
4/109, Nehru Nagar,
Kaaripatti, Vazhapadi Taluk,
Salem District. ...Petitioner in WP.22542 of 2015
5. K.Settu
S/o.Kuttayan
28, Kaaripatti, Vazhapadi Taluk,
Salem District. ...Petitioner in WP.22543 of 2015

Vs

1. The Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Salem District,
District Collectorate, Salem.

3. The District Adi-Dravidar Welfare Officer,
District Collectorate, Salem.
4. The Special Tahsildar (Land Acquisition)
Adi Dravidar Welfare, Salem.
5. The Tahsildar,
Valappady, Salem District.
6. The Sub-Registrar,
Ayothiyapattinam, Salem District.
7. K.Chandrasekar,
S/o. Late A.Kumarasamy Iyer,
No.2/77, Mariamman Koil Street,
Karipatti, Valappady Taluk,
Salem - 636 106.
8. P.Balasubramanian,
S/o.M.Palaniappa Chettiyar,
Raja Street, Karipatti,
Valappady Taluk, Salem - 636 106.
9. S.Selvaraj
S/o.Sellamuthu Pandithar,
Mariamman Koil Street,
Karipatti, Valapaddy Taluk,
Salem - 636 106.

... Respondents in all WPs

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in G.O.(3PA) No.12, Adi-Dravidar and Tribal Welfare (LA2) Department dt.30.04.2013 passed by the 1st respondent and quash the same; consequently direct the respondents 1 to 5 to issue house site patta to the petitioners, in the lands comprised in Survey No.59/2B, 59/3B, 59/4A1, 59/4B, 89/1A and 59/4C etc., (Originally Survey No.59) in Karipatti Village in Valapady Taluk in Salem District, as per the original acquisition covered in Award in No.16/79-80 dated 25.03.1980, within a reasonable time to be fixed by this Hon'ble Court.

For Petitioner : Mr.A.V.Raja

For Respondents 1 to 6: Mr.R.Rajeswaran
Special Government Pleader

For Respondents 7 to 9: Mr.Doraisamy, Senior Counsel
for Mr.Kandhan Doraisamy

ORDER

Heard Mr.A.V.Raja, learned counsel appearing for the petitioners; Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1 to 6 and Mr.Doraisamy, learned Senior Counsel appearing for the respondents 7 to 9 and with their consent, these Writ Petitions are taken up for final disposal.

2. The petitioners in all these Writ Petitions have challenged the order passed by the Government in G.O.(3PA) No.12, Adi-Dravidar and Tribal Welfare (LA2) Department dt.30.04.2013 and seek for consequential direction to the respondents to issue house site patta to the petitioners. Admittedly, the petitioners have not yet been identified as beneficiaries for free house site patta.

3. By the impugned Government order, the Government thought it fit that a different land could be taken over, instead of the lands originally proposed to be acquired and passed necessary orders, directing the land owners to execute a gift deed. It is not in dispute that the gift deed has also been executed. Therefore, the question of insisting on grant of free house site patta for the lands in question does not arise, since the Government has withdrawn the acquisition proceedings and it is proposing to allow house site patta in a different property, which has now been gifted in favour of the Government.

4. As already pointed out, the petitioners have no vested right to challenge the impugned Government order, since there is no patta granted in their favour. In fact, the petitioners would admit that the list of beneficiaries itself is yet to be finalised.

5. Under such circumstances, the challenge to the impugned order has to necessarily fail. Accordingly, the Writ Petitions are dismissed and the interim orders are vacated. It is open to the petitioners to pursue their application for grant of patta in the lands which has now been acquired from the land owners, pursuant to the gift deed executed by the land owners and if such application is filed, the competent Authority shall process the application in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Salem District,
District Collectorate, Salem.
3. The District Adi-Dravidar Welfare Officer,
District Collectorate, Salem.
4. The Special Tahsildar (Land Acquisition)
Adi Dravidar Welfare, Salem.
5. The Tahsildar,
Valappady, Salem District.
6. The Sub-Registrar,
Ayothiyapattinam, Salem District.

+5cc's to Mr.Muthumani Doraisami, Advocate, S.R.No.4070
+1cc to Mr.A.V.Raja, Advocate, S.R.No.3940
+1cc to the Government Pleader, S.R.No.4147

W.P.No.22539 to 22543 of 2015

LRS (CO)
CA(04/02/2016)

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