

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.22936 of 2015  
& M.P.Nos.1 to 4 of 2015

R.Manosuriyan

.. Petitioner

Vs.

1. The Secretary to Government,  
Adi Dravidar & 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. Thasildar, Valappady, Salem District.
6. The Sub-Registrar, Ayothiyapattinam, Salem District.
7. K.Chandrasekar
8. P.Balasubramanian
9. S.Selvaraj

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in G.O.(3.D). No.12, Adi Dravidar and Tribal Welfare (LA.2) Department, dated 30.04.2013 passed by the first respondent and quash the same, consequently direct the respondents 1 to 5 to issue house site patta to the petitioner, in the lands comprised in Survey No.59/2B, 59/3B, 59/4A1, 59/4, 89/1A and 59/4C etc. (originally Survey No.59) in Karipatti Village in Valappady Taluk in Salem District, as per the original acquisition covered in Award No.16/79-80, dated 25.03.1989, within a reasonable time to be fixed by this Court.

For Petitioner : Mr.P.Ganesan  
For Respondents : Mr.S.Pattabiraman,  
Govt. Advocate for RR-1 to 6  
Mr.Kandhan Duraisami for RR-7 to 9

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in G.O.(3.D). No.12, Adi Dravidar and Tribal Welfare (LA.2) Department, dated 30.04.2013 passed by the first respondent and quash the same, consequently direct the respondents 1 to 5 to issue house site patta to the petitioner, in the lands comprised in Survey No.59/2B, 59/3B, 59/4A1, 59/4, 89/1A and 59/4C etc. (originally Survey No.59) in Karipatti Village in Valappady Taluk in Salem District, as per the original acquisition covered in Award No.16/79-80, dated 25.03.1989, within a reasonable time to be fixed by this Court.

2. When the Writ Petition is taken up for consideration, it is submitted that in connected cases in W.P.Nos.22539 to 22543 of 2015, this Court, by order dated 22.01.2016, dismissed those Writ Petitions, observing as follows:

" ....

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."

3. Following the above order of this Court, dated 22.01.2016 in W.P.Nos.22539 to 22543 of 2015, the present Writ Petition is also dismissed. It is open to the petitioner to pursue his application for grant of patta in the land(s) which have now been acquired from the land owner(s), pursuant to the gift deed executed by the land owner(s) and if such application is filed, the competent Authority shall process the application in accordance with law. No costs. The Miscellaneous Petitions are closed.

cs

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

Copy to

1. The Secretary to Government,  
Adi Dravidar & 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. Thasildar, Valappady, Salem District.

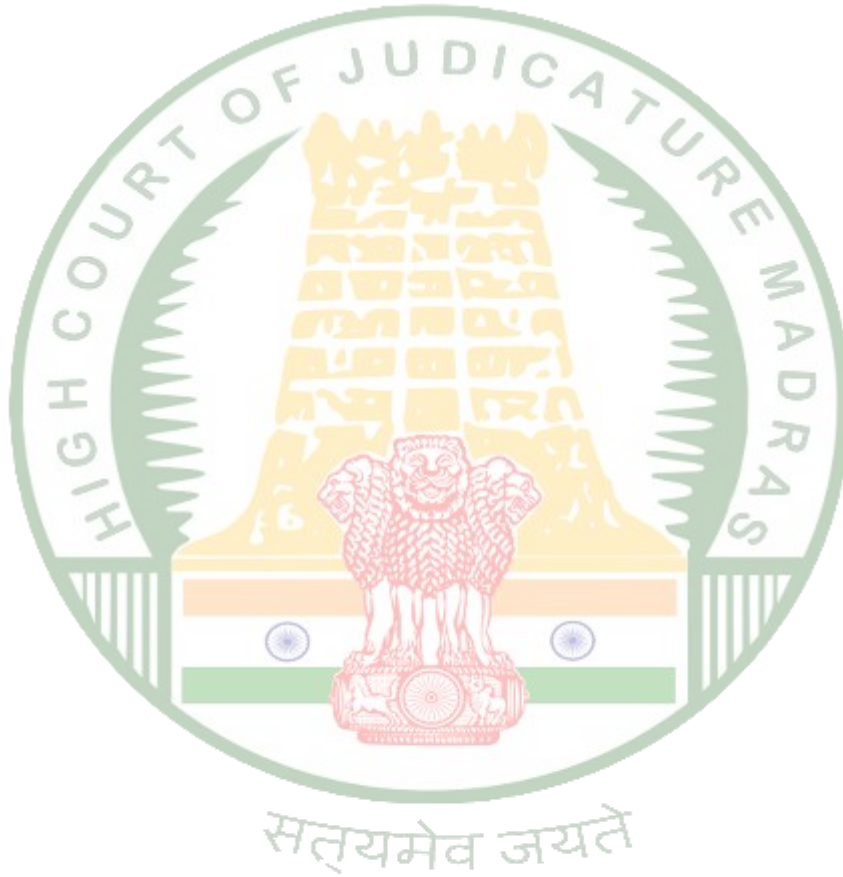
6. The Sub-Registrar, Ayothiyapattinam, Salem District.

+ 1 cc to M/s.Muthumani Doraisami, Advocate, SR 11544

+ 1 cc to Government Pleader, High Court, Madras SR 11802

skv(co)  
prk4/3

W.P.No.22936 of 2015



WEB COPY