

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8725 of 2016

A.Loganathan

.. Petitioner

Vs.

1. The District Collector, Villupuram.
2. The Revenue Tahsildar,
Taluk Office, Ulundurpettai. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to transfer the condition patta in favour of the petitioner's name in respect of the lands in S.Nos.534/5, 534/7 and 534/9, measuring an extent of 5.75 cents situated in Kalamaruthur Village, Ulundurpettai Taluk, Villupuram District, by considering the petitioner's representation, dated 04.01.2016.

For Petitioner : Mr.N.Naganathan

For Respondents : Mrs.P.Rajalakshmi, Govt. Advocate

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to transfer the condition patta in favour of the petitioner in respect of the lands in S.Nos.534/5, 534/7 and 534/9, measuring an extent of 5.75 cents situated in Kalamaruthur Village, Ulundurpettai Taluk, Villupuram District, by considering the petitioner's representation, dated 04.01.2016.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he belonged to Scheduled Caste (Kuravar) Community and his predecessors were in possession and enjoyment of the above said lands. The petitioner's predecessors constructed a Temple in the aforesaid lands six decades ago and after them, the petitioner is in possession and enjoyment of the aforesaid lands for more than four decades. It is further stated by the petitioner that the lands which are situated in an area of Kalamaruthur Village, are allotted only to the Scheduled Caste Community by the Government and hence, except the Scheduled Caste Community, no other person is entitled for the aforesaid lands.

3. It is the further case of the petitioner that the second respondent issued condition patta No.23 to the petitioner's predecessors towards the possession of the said lands; after the demise of the petitioner's grandfather and father, the petitioner approached the respondents for transfer of patta in his name. But, the respondents had not taken any action. While so, the Tahsildar, Ulundurpettai Taluk, without verifying the records and without the petitioner's knowledge, issued a patta in patta No.2023 in favour of one Chockalingam, who belonged to Fisherman Community and thereafter to his son, namely Hariputhiran on 19.01.2015, who is no way connected with the above said lands, when the fact remains that they are not even the residents of Kalamaruthur Village. It is the further case of the petitioner that the lands assigned to the members of the Scheduled Caste Community, cannot be sold or gifted or mortgaged or leased out to any other person other than a member belonging to the Scheduled Caste Community and if so done, the competent authority is empowered to cancel the assignment and resume such lands, as the object of grant to a Schedule Caste member (depressed class) is only to improve their economic status.

4. It is further averred by the petitioner that as the authority who issued patta, chitta and adangal in favour of the aforesaid persons subsequently came to know of the fact that the lands are specifically meant to the Scheduled Caste Community, the respondents cancelled the said patta No.2023 standing in the name of the said Hariputhiran. The Village Adangal reveals the fact that the patta was issued without following the Government Rules. It is further stated by the petitioner that the Village Administrative Officer issued a Possession Certificate to the petitioner to show that his family is in possession and enjoyment of the lands for the past several years. It is the claim of the petitioner that since he is in possession of the lands and condition patta was also issued in his grandfather's name, and subsequently to his father's name, the petitioner is entitled for transfer of condition patta in his name. In this regard, the petitioner sent a representation, dated 04.01.2016 to the respondents. The first respondent in turn, by proceedings, dated 13.01.2016, signed on 25.01.2016, forwarded the said representation of the petitioner, to the second respondent for action. Subsequently, the second respondent and the Village Administrative Officer, in the first week of February 2016, inspected and verified the status with the local area people residing in the same locality to ascertain the actual possession of the lands. There is no follow-up action thereafter. Hence, the petitioner has filed this Writ Petition for the above relief.

5. Heard both sides.

6. Taking into consideration the above factual aspects of the matter, without going into merits of the case, this Court directs the respondents to consider the said representation of the

petitioner, dated 04.01.2016, conduct enquiry, give an opportunity of personal hearing to the petitioner and necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents to decide the same.

7. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (AS)

/true copy/

Sub Asst. Registrar

cs

Copy to

1. The District Collector, Villupuram.
2. The Revenue Tahsildar,
Taluk Office, Ulundurpettai.

1 cc to Government Pleader, Sr. 20536

1 cc to Mr.N. Naganathan, Advocate, Sr. 20601

W.P.No.8725 of 2016

SAI (CO)
kk 18/4

सत्यमेव जयते

WEB COPY