

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2017

CORAM :

THE HONOURABLE MR. JUSTICE.S.VAIDYANATHAN

W.P.No.8847 of 2004

V.Gnanasekaran

.. Petitioner

Vs.

1. The Special Commissioner and
Commissioner for Land Administration,
Ezhilagam, Chepauk,
Chennai 600 005.
 2. The District Collector,
Dharmapuri District,
Dharmapuri.
 3. The Tahsildar,
Pennagaram Taluk,
Pennagaram,
Dharmapuri District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to grant orders of assignment/patta to the petitioner in respect of the lands in his occupation in R.S.No.148/2A and 148/2B, Chalapadi Village, Pennagaram Taluk, Dharmapuri District, forthwith.

For Petitioner : Ms.Mithra
for Mr.P.K.Rajagopal

For Respondents : Mr.R.Venkatesh,
Government Advocate,

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents to grant orders of assignment of patta to him in respect of the lands in his occupation in R.S.No.148/2A and 148/2B, Chalapadi Village, Pennagaram Taluk, Dharmapuri District, forthwith.

Cholapadi Village of Salem District near Mettur, where his grandfather, C.T.Arumugam was residing, were taken over by the Government for the purpose of construction of Mettur Dam, over 65 years back and the Government provided alternative lands to those deprived of lands. The petitioner's grandfather was given alternative lands in R.S.No.148/2A and 148/2B of the said Village, measuring 7.5 acres and their family is in possession and enjoyment of the same for the past 75 years and they have been paying land revenue (kist) for the said land. In the year 1955, they came to know that the land allotted to them was classified as Natham poramboke. The grievance of the petitioner is that patta has not been assigned to the subject land despite several representations made to the authorities concerned in that regard.

3. In the counter filed by the respondents, it is stated that the lands in S.No.148/2A measuring an extent of 2.84.5 hectares and in S.No.148/2B measuring an extent of 0.11.0 hectares in Ramagondahalli Village, Pennagaram Taluk are classified as 'Village site' and 'Battai' (Pathway) respectively, as per Village Accounts. Respondents went on to state that the petitioner, who is a Homeopathy Doctor, residing at Pikkili Village, Pennagaram Taluk and one A.Kittu @ Gopalakrishnan are encroachers of the lands in S.No.148/2A and 148/2B of Cholapadi Village of Pennagaram Taluk. On enquiry, it was revealed that one Arumuga Gounder of the said Village had two sons, viz. (i) Venkataraman and (ii) Kittu @ Gopalakrishnan, who are no more at present. Since the land in S.No.148/2A is classified as 'Natham' poramboke and the land in S.No.148/2B is classified as Battai (pathway), encroachments made by them were objectionable.

4. It is further stated by the respondents that as per instructions contained in RSO, 15 Section II (3), landless poor persons who are engaged in direct cultivation in Assessed Waste Dry lands alone are eligible to get land assignment. Inasmuch as the petitioner did not cultivate the lands directly and the lands under encroachment are classified as 'Natham and Battai', which are highly objectionable, his claim for assignment of patta could not be considered.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. The petitioner is not able to produce any records to show that the lands in S.Nos.148/2A & 2B have been assigned to them. There is also no evidence to show that the petitioner has been given alternative lands in S.Nos.148/2A & 2B measuring 7.05 acres towards re-settlement. Moreover, the petitioner, who is a Homeopathy Doctor is actually residing in Pikkili Village, which is far away from the lands in question.

7. In view of the above, as there is no documentary evidence with regard to the assignment of alternative lands to

the petitioner and since the lands are classified as 'Natham poramboke' and 'pathway', respectively, the petitioner is not entitled to any relief. Hence, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

// True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Special Commissioner and
Commissioner for Land Administration,
Ezhilagam, Chepauk,
Chennai 600 005.
2. The District Collector,
Dharmapuri District,
Dharmapuri.
3. The Tahsildar,
Pennagaram Taluk,
Pennagaram,
Dharmapuri District.

+lcc to Government Pleader SR.No.79005

W.P.No.8847 of 2003

सत्यमेव जयते

GN(27/11/2017)

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