

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 25314 of 2013
& M.P.No.1 of 2013

1. Sugapriya
2. Vijayalakshmi
3. Gnanasekar @ Roopa Devi
4. Kannammal
5. Raman
6. Pushpavathi
7. Kannammal
8. Vijayan
9. Ramesh
10. Sivakumar
11. Rajavel
12. Karupayee
13. Palaniammal
14. Chinnammal
15. Lakshmanan
16. Pushpa
17. Amudha
18. Chandra
19. Selvi
20. Lakshmi
21. Bagyam
22. Arukanni
23. Soundaranayagi

.. Petitioners

Vs.

1. The District Collector,
Erode District.
2. The District Revenue Officer,
Erode District.
3. The Revenue Divisional Officer,
Porugh Road, Near Sivaranjani Hotel,
Erode
4. The Tahsildar,
Taluk Office, Erode.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of

Mandamus, directing the respondents to issue patta to these petitioners in recognition of their settled possession, in S.Nos.1639/1 and 1630/29 at Kumalan Kuttai Village, Erode Taluk, Erode District.

For Petitioners : Mr.V.Raghavachari
For Respondents : Mr.S.Diwakar, Spl.G.P.

O R D E R

The petitioners have filed this petition praying to direct the respondents to issue patta to them in recognition of their settled possession, in S.Nos.1639/1 and 1630/29 at Kumalan Kuttai Village, Erode Taluk, Erode District.

2. Heard Mr.V.Raghavachari, learned counsel appearing for the petitioner, Mr.S.Diwakar, learned Government Advocate appearing on behalf of the respondents.

3. The learned counsel for the petitioner has submitted that this Court by its order dated 21.09.2012 in W.P.No.24500 of 2012, directed the first respondent to consider the name of the individual petitioners and pass orders on merits and in accordance with law within six weeks from the date of receipt of a copy of this Order.

4. Pursuant to the said order, applications were called for, from the eligible beneficiaries, to issue HSD, who were residing in Survey Nos.1639/1 and 1630/29 at Kumalan Kuttai Village, Erode Taluk, Erode District. About 45 applications were received by the department. On perusal of these applications, 15 applications were rejected due to non fulfilment of rules to get HSD and from the remaining 30 applications, 14 applications were selected, enclosed by the entire relevant records were recommended to the District Collector for necessary sanction of HSD. Remaining 16 applications were withheld for want of records. As per the proceedings of the Erode District Collector in Ref.No.34911/2012/E1, dated 07.03.2013, HSD were issued to the 14 applicants. In the meanwhile, the remaining 16 applicants additionally included by 7 more, totalling 23 petitioners have filed the present Writ Petition, seeking the aforesaid prayer.

5. The learned Special Government Pleader appearing for the respondents has submitted that as per G.O.No.372, Revenue Department, dated 26.08.2014, as a one time regularisation scheme, to issue HSD to eligible persons who have encroached and constructed building in Government Poramboke lands for residential purposes, extended time limit, expired on 31.03.2015. There is also a ban existing to issue HSD within 8

K.Ms. radius of District Head Quarters. The suit property lies within the prohibited areas. Therefore, the District Collector, Erode District has sent a letter to the Additional Chief Secretary / Commissioner of Land Administration, Chepauk, Chennai -5, in Ref.No.811/2015E1, dated 04.11.2016, for necessary orders.

6. In view of the prohibited order of the Government, the respondents are not in a position to pass final orders, as directed by this Court. Therefore, in the counter affidavit it is specifically stated that it will take six months time to get approval from the Government for lifting the ban and take follow up action and issue patta to the eligible persons.

7. In view of the specific stand taken by the respondent Department and in the light of the orders of the Government, the application of the petitioners for granting patta in HSD, can be considered after obtaining order from the Government. Therefore, recording the submissions made by the Thasildar / 4th respondent, this Court directs the 1st respondent / District Collector to take necessary action to get orders from the Commissioner of Land Administration, Chepauk, Chennai-5, within the said 6 months period and pass appropriate orders, granting HSD to the eligible petitioners. If there is any delay on the part of the respondents, it will be seriously viewed by this Court.

8. With the above observation and direction, the Writ Petition is disposed of. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pvs

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To

1. The District Collector,
Erode District.
2. The District Revenue Officer,
Erode District.
3. The Revenue Divisional Officer,
Porugh Road, Near Sivaranjani Hotel,
Erode
4. The Tahsildar,
Taluk Office, Erode.

+1cc to Mr.Raghavachari, Advocate, S.R.No.6497
+1cc to the Government Pleader, S.R.No.6410

KJ(CO)
RS(22/03/2017)

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