

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28-09-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.21130 of 2013

1.Rosy Kuppa Reddy  
2.Raniammal

... Petitioners

...Vs...

1.The Revenue Divisional Officer,  
Tiruthani,  
Tiruvallur District.  
  
2.The Special Tahsildar,  
Adi Dravidar Welfare Department,  
Tiruthani,  
Tiruvallur District.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.3174/12/A2, dated 28.1.2013 and quash the same and consequently, directing the first respondent to issue patta for the land situated in S.No.108/5, Pattabiramapuram Village, Tiruthani Taluk, Tiruvallur District to the total extent of 1.29 acres to the petitioners.

For Petitioners : Mr.C.Prakasam  
For Respondents : Mr.R.S.Selvam,  
Government Advocate.

O R D E R

The order of rejection passed by the first respondent in proceedings dated 28.1.2013 in respect of the claim of the writ petitioners for grant of patta for the portion of the land under their occupation in S.No.108/5, Pattabirazmapuram Village, Tiruthani Taluk, Thiruvallur District to the total extent of 1.29 acres, is under challenge in this writ petition.

2. The learned counsel for the writ petitioners states that the first writ petitioner, who is the husband of the second writ petitioner, passed away. The second writ petitioner claims that she is the owner of the land bearing S.Nos.108/5, 108/4 and

108/6 to the total extent of 2.37 acres situated at Pattabiramapuram Village and Post, Tiruthani Taluk, Tiruvallur District. The suit filed by the writ petitioners in O.S.No.399 of 1994 also decreed in their favour. The First Appeal in A.S.No.11 of 2005 was dismissed. Therefore, the writ petitioners are entitled for the grant of patta by the Revenue Officials.

3. The Revenue Divisional Officer adjudicated the issues in respect of the grant of patta in favour of the writ petitioners. On verification and after conducting an enquiry, the Revenue Divisional Officer made a finding in proceedings dated 28.1.2013, stating that the writ petitioners were already granted with free land patta and they are in possession. Therefore, there cannot be any further concession in respect of grant of free patta to the writ petitioners. The free patta was granted in favour of the writ petitioners in respect of Survey Nos.108/4 and 108/6 measuring 0.27.5 and 0.16.5 Ares respectively.

4. When the fact remains that already free patta was granted in favour of the writ petitioners in respect of the portion of the land stated supra, the writ petitioners are not entitled to any further grant of patta at free of cost. There cannot be any two concessions in respect of grant of free patta to the persons under the Government Schemes. Once free patta has been granted in favour of the persons as a free, the same persons are not entitled to claim any further free patta under the Scheme issued by the Government.

5. This being the findings of the Revenue Divisional Officer, the claim of the writ petitioner, seeking grant of patta deserves no further consideration and the writ petitioners have not established any acceptable ground for the purpose of grant of relief, as such, sought for in this writ petition.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

-s/d-

Assistant Registrar(Audit)

True Copy

Sub-Assistant Registrar

Svn

To

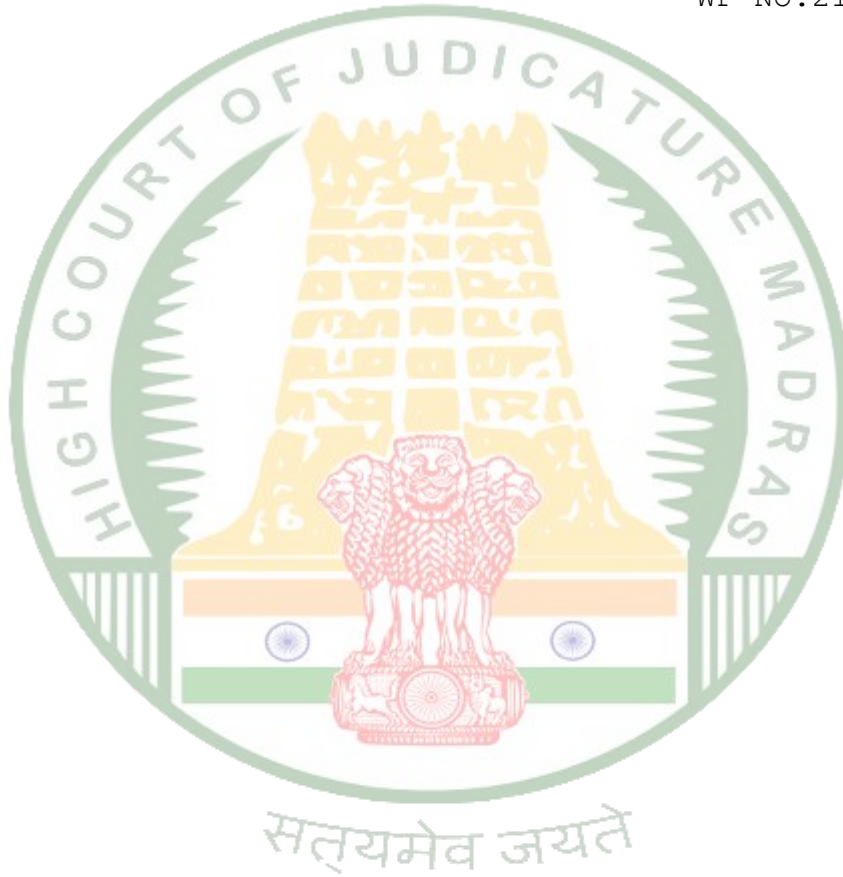
1.The Revenue Divisional Officer,  
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2.The Special Tahsildar,  
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Tiruthani,  
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+1 cc to The Government Pleader, Sr.No.67831

KR(CO)  
CSL/16.10.2018

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