

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.3851 of 2014

K.Chinnappan

... Petitioner

Vs.

1.The District Collector
Office of Collectorate,
Vellore, Vellore District.

2.The Revenue Divisional Officer,
Office of the District Collector,
B-Block, 4th Floor, Chathuavachari,
Vellore, Vellore District - 623 009.

3.The Tahsildar
Office of the Tahsildar
Katpadi, Vellore District.

4.The Adi Dravidar Welfare Officer,
Office of Collectorate, Vellore,
Vellore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to Na.Ka.P2.5543/2013 on the file of the third respondent dated 20.11.2013 and quash th same and consequently direct the respondents to grant house site Patta in S.No.28 to an extent of 98 cents in Tharapadavedu Madura, Kanchalur Village, Katpadi Taluk, Vellore District to the petitioner.

For Petitioner : Mr.S.Arokia Maniraj
For Respondents : Mr.R.Govindasamy
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the 3rd respondent/Tahsildar, dated 20.11.2013, refusing to grant house site patta to the petitioner in respect of the land in Survey No.28 to an extent of 98 cents in Tharapadavedu Madura, Kanchalur Village, Katpadi Taluk, Vellore District.

2. According to the petitioner, he belongs to Adi Dravidar Community and also Ex-serviceman. After retirement, the petitioner is eligible to get land under assignment as per the provisions of the Revenue Board Standing Orders. There is an un-assessed dry depressed class land of the Government in S.No.28 to an extent of 98 cents is available. Originally, the above said lands were assigned to the member of schedule caste community people in the year, 1962. On violation of conditional order of granting assignment has been cancelled, and the above said land is vested with the Government. Thereafter, the petitioner and other 45

persons who belongs to Arunthathiar Schedule Caste Community made a representation to the third respondent/Tahsildar to grant house site patta. But, the said representation has been rejected by the third respondent/Tahsildar by the impunged order on the ground that the subject lands were originally classified as PUNJA (DRY) ANATHENA Land, and the lands can only given to the schedule caste community people for agricultural purpose and no house site patta can be granted to the petitioner and others. Challenging the above said impunged order, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that admittedly the lands were originally classified as PUNJA (DRY) ANATHENA Land and also assigned to the members of schedule caste community people. Thereafter, the said assignment was cancelled. Now, the said land is restored with the Government. The petitioner and other 45 persons, who belongs to the Schedule Caste Community, have now seeking assignment of house site patta. The above request has been simply rejected by the third respondent/Tahsildar on the ground that the

lands could only be allotted for agricultural purpose and not for house site. According to the learned counsel for the petitioner, as there is no prohibition, either under the Board standing order or any other regulations preventing the grant of house site patta to the Schedule Caste Community people, after reclassification of the same, the petitioner may be granted house site patta.

4.Mr.R.Govindasamy, the learned Special Government Pleader appearing for the respondents would submit that since the lands were classified as PUNJA (DRY) ANATHENAM Land, it cannot be granted as house site patta. However, now the Special Tahsildar sent a recommendation to the 3rd respondent/Tahsildar to consider the request of the petitioner and 54 others to grant house site patta. The said proposal is pending before the third respondent/Tahsildar.

5.I have heard the rival submissions and perused the materials available on record.

6.Originally the lands were assigned to the Adi Dravidar Community and thereafter, it was cancelled and the lands are vested with the Government, and now other Schedule Caste community people alone are asking for house site patta, and the same was rejected by the third respondent/Tahsildar on the ground that the lands can only be assigned for agricultural purpose and not for house sites. In this regard it is submitted that the lands, which are classified as 'Nanja Anathenam' can be assigned for cultivation and not for house sites and therefore, in the present case, the lands can not be assigned as house sites. It is also submitted that now a proposal is pending with the Special Tahsildar for granting of house site patta.

7.Considering the above said circumstances, without going into the merits of the case, whether the house site patta could be granted or not, as the proposal is pending with the Tahsildar, for granting patta, it is suffice to direct the third respondent/Tahsildar to consider the representation of the petitioner as well as the recommendation made by the Special Tahsildar for granting house site patta to the petitioner and

pass suitable orders on merits in accordance with law. The above said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

31.01.2019

Index: Yes/No
Internet: Yes
Speaking/Non-speaking order
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To

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V.BHARATHIDASAN, J
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