



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.03.2020
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.22930 of 2012

D.Srinivasan

.. Petitioner

-vs-

1. The Collector,
Vellore District, Vellore.

2. The Tahsildar,
Arakkonam,
Vellore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's application dated 12.03.2012 seeking grant of patta in respect of land comprised in S.No.558, having an extent of 1.50 acres situated at Kalapalampet Village, Arakkonam Taluk, Vellore District.

For Petitioner :Mr.G.Jeremiah

For Respondents :Ms.A.Madhumathi,
Special Government Pleader

ORDER

Heard Mr.G.Jeremiah, learned counsel for the petitioner and Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondents.

2.The petitioner seeks for issuance of writ of mandamus directing the respondents to consider and pass orders on the petitioner's application dated 12.03.2012, seeking grant of patta in respect of land comprised in S.No.558, having an extent of 1.50 acres situated at Kalapalampet Village, Arakkonam Taluk, Vellore District.

3.The Tahsildar, Arokkonam, has filed a counter affidavit stating as hereunder:-

"I further submit that the averments in para 5 of the writ affidavit in the petitioner as the land at present exist as Highways Road with Bus



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route from Panapakkam to Banavaram, the petitioner's request cannot be considered.

I respectfully submit that para 6 of the writ affidavit in petition is not true. He never occupied the land with cultivation, as the land is unfit for cultivation, as it is being now utilized as Highways road with the existing Bus route from Panapakkam to Banavaram. Further, he is not having his permanent residence at Kalpalamput H/o.Peruvalayam Village. At present, he is permanently residing at Nagavedu Village, Arakkonam Taluk with a distance of about 15 km. Hence, the averment in the writ affidavit is utterly false.

I most respectfully submit that para 7 of the writ affidavit of the petitioner is not actually depending upon agriculture and at present, he is doing his job as security guard. Further, the petitioner has not actually encroached the land by cultivation, as the land at present is being utilized as Highways Bus route from Panapakkam to Baravaram. Hence, the question of grant of assignment of land does not arise in this case."

4.In the light of the fact that there is an existing Highway in the said land, the question of grant of patta does not arise.

5.Hence, this writ petition stands dismissed. However, if the petitioner is a person living below the poverty line and eligible under the various schemes issued by the Government, it is open to the petitioner to approach the second respondent for grant of free house site patta. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

abr

To

1. The Collector,
Vellore District, Vellore.



2. The Tahsildar,
Arakkonam,
Vellore District.

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+1cc to Government Pleader, Sr.No.22686
+1cc to Mr.G.Jeremiah, Advocate, Sr.No.22413

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GS (07/07/2020)