

In the High Court of Judicature at Madras

Dated : 03.1.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.25741 of 2017

1.Lakshmi
2.Revathy

...Petitioners

Vs

1.The Secretary to Government,
State of Tamil Nadu, Animal Husbandary
Department, Secretariat, Fort St.George,
Chennai-9.

2.The District Collector, Salem District,
Salem-636001.

3.The Revenue Divisional Officer,
Mettur, Salem District-636401.

4.The Tahsildar, Mettur Taluk, Mettur,
Salem District-636401.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to reclassify the lands in S.No.210/4A (Mandaveli Poramboke Land) into the Natham Poramboke lands (House sites) and issue house site pattas to the petitioners forthwith (prayer amended as per order dated 03.1.2020 made in WMP.No. 24281 of 2018 by TSSJ).

For Petitioners : Mr.P.Jagadeesan

For Respondents : Mrs.A.Sri Jayanthi, SGP

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ORDER

I have heard the learned counsel on either side.

2. The petitioners, who are two in number, have claimed that they have been displaced on account of land acquisition proceedings for establishment of a steel plant namely Southern Iron and Steel Company Limited (SISCOL) at M.Kalipatty and Pottaneri Vi.lages in Mettur Taluk, Salem District. It is the

further case of the petitioners that taking into consideration the plight of the petitioners and other similarly placed persons, all of them were allotted fresh house sites by drawal of lots and that they have been put in possession. According to the petitioners, they constructed a small house and are residing in the said property and the houses were also given electricity service connection. Further, the petitioners made a representation to the respondents to grant patta. It appears that the request for grant of patta was not considered on account of the fact that the land continued to be classified as mandaveli poramboke and that unless and until the land is reclassified, patta could not be granted to the petitioners by the fourth respondent.

3. The learned counsel for the petitioners has drawn the attention of this Court to the recommendations/proposal submitted by the Special Tahsildar, Mettur dated 19.12.1995 and 22.2.1996 to buttress the submission that the petitioners and other similarly placed persons are entitled to house site patta.

4. The learned Special Government Pleader for the respondents has raised an objection by contending that unless and until the petitioners establish that they are land losers and were validly allotted a fresh house site, the question of considering the petitioners' request does not arise. She has further submitted that even assuming that they were genuine allottees, an appropriate proposal has to be submitted by respondents 3 and 4 to the second respondent for reclassification of the land. The second respondent, on being satisfied with the submission of the appropriate proposal, has to submit a proposal to the Commissioner of Land Administration, who, in turn, has to obtain approval of the Government. It is also submitted that unless and until the petitioners satisfy the requirement of genuineness of their allotment, further proceedings cannot be initiated.

5. Considering the submissions made on either side, this Court is of the view that since the petitioners claim that they and other similarly placed persons were allotted house sites during the year 1995, in the fitness of things, the fourth respondent should cause an inspection to ascertain the genuineness of the claim made by the petitioners and if it is found to be genuine, an appropriate report can be submitted to the second respondent for necessary action.

6. Accordingly, the writ petition is disposed of by directing the fourth respondent to conduct a detailed enquiry, verify the genuineness of the petitioners' claim and examine as to whether any other similarly placed person has also made a request for grant of patta. On being satisfied that the claim is

genuine and that the petitioners are eligible for grant of patta, an appropriate report shall be submitted to the second respondent, who shall take forward the matter and decide in accordance with law. The above direction shall be complied with within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

// True Copy//

RS Sub Assistant Registrar

To

- 1.The Secretary to Government of Tamil Nadu, Animal Husbandary Department, Secretariat, Fort St.George, Chennai-9.
- 2.The District Collector, Salem District, Salem-636001.
- 3.The Revenue Divisional Officer, Mettur, Salem District-636401.
- 4.The Tahsildar, Mettur Taluk, Mettur, Salem District-636401.

+1cc to Mr.P.Jagadeesan, Advocate, SR.No.340
+1cc to Government Pleader, SR.No.1000

RGN(CO)
CSR:10.02.2020

WP.No.25741 of 2017

सत्यमेव जयते
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