



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22130 of 2009

and

M.P.No.2 of 2009

G.Kudiarasu

...Petitioner

Vs.

1. The Chief Secretary to Government,
Fort St.George, Chennai - 9,
2. The Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 9.
3. The Secretary to Government,
Adidravida & Tribal Welfare Department,
Fort St.George, Chennai - 9.
4. The Collector,
Office of Collectorate,
Vellore.
5. The Tahsildar,
Office of Taluk Office,
Arakkonam.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 30.06.2009 issued by the fifth respondent herein in his communication with Ref.No.MM B2/2365/09 and quash the same as null and void and consequently direct the fifth respondent to issue Patta to the petitioner to the DC Poramboke land bearing Survey Nos.556/1A, 556/2A, 556/3A, 557/A1, 557/A2, 557/A3, 557/A4, 558/A totally measuring to an extent of 5 acres situated next to MRF Ichiputhur Village, Arakkonam Taluk, Vellore District.

For Petitioner : No Appearance

For Respondents : Mr.Richardson Wilson
Government Advocate



O R D E R

This petition has been filed seeking to quash the impugned order dated 30.06.2009 issued by the fifth respondent herein in his communication with Ref.No.MM B2/2365/09 and consequently direct the fifth respondent to issue Patta to the petitioner to the DC Poramboke land bearing Survey Nos.556/1A, 556/2A, 556/3A, 557/A1, 557/A2, 557/A3, 557/A4, 558/A, totally measuring to an extent of 5 acres, situated next to MRF Ichiputhur Village, Arakkonam Taluk, Vellore District.

2. The petitioner's father was an Ex.Service Man. Therefore, he submitted a representation to the fourth respondent for issuance of patta in respect of the property, which is in his possession for the past seven years. On receipt of the same, no order has been passed and as such, the petitioner filed a Writ Petition before this Court in W.P.No.28817 of 2008 and this Court by an order dated 08.12.2008 directed the concerned authority to consider his representation dated 05.04.2007 within a period of 12 weeks from the date of receipt of a copy of this order. On receipt of the same, the fifth respondent herein conducted enquiry and also inspected the subject property for issuance of patta in favour of the petitioner. On inspection, he found that the petitioner is not residing in the said Village viz., Ichiputhur. He has never been in possession of the said property and the said property is "Tharisu". That apart, the property was notified as "DC land" and as such, it can be assigned in favour of the persons who belongs to Scheduled Casts, whereas, the petitioner is residing somewhere else and asking for patta for the said land. Therefore, the fifth respondent rightly dismissed the request made by the petitioner and this Court finds no infirmity or illegality in the order passed by the fifth respondent.

3. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kv



To

1. The Chief Secretary to Government,
Fort St.George, Chennai - 9,
2. The Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 9.
3. The Secretary to Government,
Adidravida & Tribal Welfare Department,
Fort St.George, Chennai - 9.
4. The Collector,
Office of Collectorate,
Vellore.
5. The Tahsildar,
Office of Taluk Office,
Arakkonam.

+1cc to the Government Pleader, S.R.No.38803

W.P.No.22130 of 2009

PCH[co]
NSK 09/09/2021