

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.No. 7761 of 2019

Patturoja,

W/o. Late A.G.Jothi Mudaliar

... Petitioner

Versus

1. The District Collector,
Vellore District,
Vellore.

2. The Special Tahsildar,
(Adi Dravidar Welfare),
No.143 & 144, Railway Station Road,
Arunachala Nagar,
Kodanagaram, Gudiyatham,
Vellore Dt. - 632 606.

3. The Tahsildar,
Pernambut Taluk,
Pernambut,
Vellore Dt.

... Respondents

R3 Impleaded vide order dated 27.03.2019
made in WMP.NO.9748/2019 in
WP.No.7761/19 by KRCBJ

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent herein to consider and pass suitable orders on the petitioner's representation dated 11.02.2019 and effect change of petitioner's name with respect to the dry lands in Survey No.98/1 to an extent of hec. 0.65.0 (Acre 1.60 cents) comprised in Patta No.120, situate at Melmurungai Village, Pernambut Taluk, Vellore District now standing in the name of Harijan Colony Natham Poramboke.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.S.N.Parthasarathi,
Govt. Advocate

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the 1st respondent herein to consider and pass suitable orders on the petitioner's representation dated 11.02.2019.

2. The grievance of the petitioner is that he is the owner of property in Survey No.98/1, to an extent of hec. 0.65.0 ares (Acre 1.60 cents) comprised in Patta No.120, situated at Melmurungai Village, Pernambut Taluk, Vellore District. Earlier, the petitioner's lands sought to be acquired for providing house sites to Adi-dravidar. That acquisition proceedings has been challenged by the petitioner by way of Writ Petition before this Court in W.P.No. 2055 of 1996 and this Court by an order dated 05.07.1996 has allowed the Writ Petition, thereby quashed the acquisition notification. Thereafter, according to the petitioner, no fresh proceedings has been initiated. In the meantime, the patta was also transferred. Hence, the petitioner had approached the 1st and 2nd respondents to mutate the revenue records and issue patta in his favour and that representation was still pending. Now, seeking to consider his representation, the petitioner has filed the present Writ Petition.

3. Mr.S.Balasubramanian, learned counsel appearing for petitioner would submit that even though acquisition proceedings are initiated in the year 1995, the petitioner is in possession of property, and thereafter, the acquisition proceedings was also set aside by this Court and so far, no fresh proceedings has been initiated. In the meantime, the patta has been transferred in the name of Harijan colony. Hence, the petitioner wants to retransfer the patta to the petitioner.

4. Earlier, when the matter came up for hearing, the 3rd respondent Tahsildar was directed to appear before this Court and he has also given undertaking to file an affidavit. In pursuant to the same, the Tahsildar has also filed affidavit stating that the petitioner is in possession and enjoyment of the property, however, the patta stands in the name of Harijan Colony. Hence, the 1st respondent may be directed to pass suitable orders.

5. The learned Government Advocate appearing for respondents, on instructions, would submit that the 1st respondent may be directed to consider the petitioner's representation and may pass suitable orders on merits.

6. Considering the above circumstances, without going into the merits of the case, the 1st respondent is directed to consider the petitioner's application dated 11.02.2019 and pass suitable orders on merits in accordance with law after hearing the petitioner within a period of twelve weeks from the date of receipt of copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpp
To

1. The District Collector,
Vellore District,
Vellore.
2. The Special Tahsildar,
(Adi Dravidar Welfare),
No.143 & 144, Railway Station Road,
Arunachala Nagar,
Kodanagaram, Gudiyatham,
Vellore Dt. - 632 006.
3. The Tahsildar,
Pernambut Taluk,
Pernambut,
Vellore Dt.

+1cc to Mr.S.Balasubrmanian, Advocate SR.No. 24254

A.SK(01.07.2021) W.P.No. 7761 of 2019

WEB COPY