



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No. 30763 of 2016

1. R. Moorthy Arulappan

2. Susai ... Petitioners

Vs

1. The Revenue Divisional Officer,
Tindivanam,
Villupuram District.

2. Thasildar,
Gingee,
Villupuram District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus to call for the records relating to the order passed by the first respondent in Na.Ka.A3/1377/2016 dated 19.07.2016 and quash the same and further direct the respondents to issue patta to the petitioners in Survey Nos.31/15, 31/16, 31/17, 31/18B, 31/12B, 31/10 and 31/13 dry lands situated in Thamanur village, Gingee Taluk, Villupuram District.

For petitioners ... Mr. K.M.Ramesh

For respondents ... Mr. Yogesh Kannadasan,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the Sub-Collector rejecting the petitioner's application for grant of patta in respect of the property in Survey Nos. 31/15, 31/16, 31/17, 31/18B, 31/12B, 31/10 and 31/13 situated in Thamanur Village, Gingee Taluk, Villupuram District.



2. According to the petitioners, they are the owners of the said lands. Earlier, land acquisition proceedings has been initiated by the respondents to acquire the lands under Tamilnadu Acquisition of Land for Harijan Welfare Schemes Act (Act 31 of 1978) to provide house sites to Adi Dravidar Community people in the year 2009. Challenging the above acquisition proceedings, the first petitioner has filed a writ petition before this Court in W.P.No.4087 of 2008 and this Court, by an order dated 12.06.2009, allowed the writ petition by setting aside the acquisition proceedings on the ground that the beneficiaries are converted Christians and not falling under the category of schedule castes community, and the acquisition proceedings cannot initiate under Act 31 of 1978; However, liberty was given to the Government to issue fresh notification under the Central Act 1 of 1984, within 12 weeks, and the possession of the petitioner was directed to be continued till then, and the said order has become final. Thereafter, as on today, no fresh acquisition proceedings has been initiated against the petitioner's land. In the said circumstances, the petitioners have approached the respondents for seeking patta. Now, by the impugned order dated 19.07.2016, the first respondent rejected the petitioners' request on the ground that a proposal is pending with the Government to acquire the land and in the said circumstances, patta cannot be granted to the petitioners. Now, challenging the same, present writ petition has been filed.

3. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondents and perused the materials available on records carefully.

4. Admittedly, land acquisition proceedings has been set aside by this Court as early as on 12.06.2009 and the Government was also given liberty to initiate fresh Land Acquisition proceedings within 12 weeks. But, no acquisition proceedings has been initiated for more than 12 years. Now, it is stated that only a proposal is pending with the Government, and no notification has been issued as on today to acquire the land. In the said circumstances, as the land acquisition proceedings was set aside by this Court, the respondents cannot deny patta to the petitioners only on the ground that the proposal is pending with the Government for acquiring the land. In the said circumstances, the impugned order passed by the first respondent cannot stand in the eye of law and it is liable to be set-aside.



5. Accordingly, this writ petition is allowed and the impugned order passed by the first respondent dated 19.07.2016 is set aside and the respondents are directed to issue patta in favour of the petitioner. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mrp
To

1. The Revenue Divisional Officer,
Tindivanam,
Villupuram District.

2. The Thasildar,
Gingee,
Villupuram District.

+lcc to Mr.K.M.Ramesh, Advocate Sr.32307
+lcc to the Government Pleader Sr.32922

W.P. No. 30763 of 2016

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srg 13/08/2021