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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.13460 AND 13586 OF 2021

Padmini ... Petitioner in W.P.No.13460/2021

1.Kokilambal

2.Kannadasan

3.A.Elangovan

... Petitioners in W.P.No.13586/2021

vs.

1. The District Collector
Ariyalur District,
Ariyalur.

2. The Thasildhar,
Udayarpalayam Taluk,
At Jayankondam & Post,
Ariyalur District.

... Respondents in both Wps

Common Prayer:

Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the orders of the second respondent in Na.Ka.A1/7279/2021 dated 01.02.2021 and Na.Ka.A1/6885/2021 dated 22.01.2021 and quash the same and consequently, direct the second respondent to grant Patta relating to land in SF Nos.550/7 and 550/6 measuring an extent of 0.55.50 and 0.47.0 Ares of Sripuranthan (South) Village, Udayarpalayam Taluk, Ariyalur District.

For Petitioners : Mr.S.Kamadevan
(in both Wps)

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader
(in both WPs)



COMMON ORDER

These writ petitions have been filed to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the orders of the second respondent in Na.Ka.A1/7279/2021 and Na.Ka.A1/6885/2021, dated 01.02.2021 and 22.01.2021 respectively and quash the same and consequently, direct the second respondent to grant patta relating to land in SF Nos.550/7 and 550/6 measuring an extent of 0.55.50 and 0.47.0 Ares of Sripuranthan (South) Village, Udayarpalayam Taluk, Ariyalur District.

2. The case of the petitioners is that the property comprised in S.Nos.550/7 and 550/6 measuring to an extent of 0.55.50 and 0.47.0 Ares situated at No.67, Sripurandhan (South) Village, Udayarpalayam Taluk, Ariyalur District, owned by the petitioner's husband in W.P.No.13460 of 2021 by virtue of sale deed dated 12.08.1992 and owned by the 1st petitioner's husband in W.P.No.13586 of 2021 and they died on 06.08.2003 and 07.01.2009 respectively. After their demise, the respective petitioners are in possession and enjoyment of the same. While being so, the land acquisition proceedings were initiated in the subject land for the provision of house sites for Adi Dravidars in the year 2005. The petitioners herein challenged the acquisition proceedings in W.P.No.23593 of 2007 and it was allowed by an order dated 31.03.2015 by this Court thereby quashed the entire acquisition proceedings.

3. Aggrieved by the same, the respondents so far did not file any appeal. Therefore, the petitioners made representation to the second respondent for grant of patta. It was not considered and as such, the petitioner in W.P.No.13460 of 2021 was constrained to file writ petition before this Court in W.P.No.19143 of 2020 and this Court by an order dated 18.12.2020 directed the second respondent to conduct enquiry by taking into consideration the order passed by this Court in W.P.No.23593 of 2007 dated 31.03.2015 and pass final orders strictly in accordance with law within a period of six weeks.

4. However, the second respondent without considering the quashment of acquisition proceedings by this Court by an order dated 31.03.2015, rejected the petitioners request for issuance of patta for the reason that after the acquisition proceedings, the entire land were allotted in favour of 60 beneficiaries and free house site pattas have also been issued to them. Thereafter, on 16.05.2007, the subject land also re-classified as "Adi-Dravidar Kudiyiruppu Natham".



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5. In fact, there were dispute between the beneficiaries and the petitioners and there was a Peace Committee Meeting before the Revenue Divisional Officer, Udayarpalayam on 11.06.2020. If patta issued in favour of the petitioners, there will be law and order problem.

6. Learned Special Government Pleader appearing for the respondents submitted that aggrieved by the order passed by this Court in W.P.No.23593 of 2007 dated 31.03.2015, the Special Tahsildar, ADW, Udayarpalayam preferred writ appeal in W.A.Sr.No.102670 of 2021 with condone delay petition and it is pending.

7. Admittedly, no appeal is numbered and no interim order passed by this Court till today. That apart, the petitioners are in possession and enjoyment of the same. Though the beneficiaries were issued free house sites patta, no one is occupied the subject land.

8. Considering the above, the impugned order dated 01.02.2021 in Na.Ka.No.A1/7279/2021 passed by the second respondent is hereby set aside and accordingly, set aside. The second respondent is directed to issue patta in favour of the petitioners in respect of the subject land and mutated the revenue records accordingly in favour of the petitioners within a period of four weeks from the date of receipt of a copy of this order. If the Special Tahsildar, ADW, Udayarpalayam produce any order from this Court within the said time, the second respondent is directed to pass orders subject to the result of the writ appeal.

9. Accordingly, the writ petitions are allowed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Ariyalur District,
Ariyalur.



2. The Tahsildar,
Udayarpalayam Taluk,
At Jayankondam & Post,
Ariyalur District.

3. The Special Tahsildar,
ADW, Udayarpalayam.

+2ccs to S.Kamadevan, Advocate, SR.NO.63330
+1cc to Government Pleader, SR.NO.63485

W.P.Nos.13460 and 13586 of 2021

RSV(CO)
PM/15/12/2021