



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.16516 of 2019

Saroja

... Petitioner

Versus

1. The District Collector,
Office of the Collectorate,
Dharmapuri.
2. The Revenue Divisional Officer,
Office of the Collectorate,
Dharmapuri.
3. The Tahsildar,
Palacode Taluk,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to issue Patta in respect of Anatheenam lands in S.No.102/4 measuring an extent of 0.65.5 Hectares or 1.62 Acres at No.080 Chinnekoundanahalli Village, Palacode Taluk, Dharmapuri District, in pursuant to the representation dated 18.06.2018.

For Petitioner : Mr.R. Selvakumar

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the 2nd and 3rd respondents to issue patta in respect of Anatheenam lands comprised in S.No.102/4 measuring an extent of 0.65.5 Hectares or 1.62 Acres at No.080 Chinnekoundanahalli Village, Palacode Taluk, Dharmapuri District pursuant to the representation, dated 18.06.2018.



2. The case of the petitioner is that she is the resident of Vedampatti Village, Nammaandahalli Post, Palacode Taluk, Dharmapuri District and doing agricultural activities in the land comprised in S.No.80, Chinnekoundanahalli Village, measuring an extent of 1.62 acres. The said area is having rocky lands in Survey No.80, Chinnekoundanahalli Village and several persons took the risk of cultivating the same at their own cost and virtually by their physical labour. The petitioner is also one among those persons who had converted virgin rocky soil lands into cultivable agricultural lands. According to the petitioner, the said lands are being cultivated by the petitioner and her family for the past 35 years. As such, she is entitled for issuance of Patta in her name due to converting the hard-rock soil into that of the agricultural and cultivable lands and when she came to know about the rights of the cultivating agriculturists, the petitioner along with others had applied for issuance of Patta in their names and S.Nos.102/3 and 102/5 and the same was issued in the name of the respective occupiers, namely, Ammappa and Kaliamma. Moreover, the petitioner's name was also recommended by the statutory authority in respect of being recommended, Patta was not issued in favour of the petitioner. As far as the above lands measuring an extent of 1.62 acres in S.No.102/4 of No.80, Chinnekoundanahalli Village, Palacode Taluk are concerned stand in the name of the petitioner as per the records of the Village Administrative Officer. Therefore, the petitioner sent a representation requesting certain records under RTI Act, and the same were obtained, in which, the petitioner's name was also recommended, but, no action has been taken by the authorities concerned. In the said records, there has been a specific reference to the fact that the petitioner is a landless person and no one in her family is not a public employment and also recommended her name for issuance of Patta even without receiving the land value, as prescribed under GO.(Ms).No.555, dated 15.04.2006. Till date no action has been taken by the respondents. However, the petitioner sent another representation dated 18.06.2018 to the 2nd respondent and the same was forwarded to the 3rd respondent to survey the said lands, to hold an enquiry and to file a report thereon, dated 21.07.2018, but, no action has been taken thereon. The said communication was also shows that the said recommendation are in favour of the petitioner and the petitioner is being a land less lady who was confident that Patta will be issued in her name for the said land. The petitioner further states that the representations of several other persons in the village were considered and Patta were also issued in their names. In support of the same, the petitioner further relied upon several



Government orders have issued by the Government of Tamil Nadu, "as persons improve the rock soil into agricultural land and also contribute to the economic development of the concerned districts". several such persons, in and around the lands under the same kind of cultivation obtained Patta in their names especially through the 2nd respondent/RDO and some persons without even paying the Government Guideline Value registration fees, kept in the Registration Department and waiting for the same in her case, since the petitioner has been cultivating for the past 35 years and seeks this Court interference for issuance of direction to issue Patta for the said land in Survey Nos.102/3 and 102/5, measuring an extent of 0.65.5 Hectares or 1.62 Acres at No.080 Chinnekoundanahalli Village, Palacode Taluk, Dharmapuri District based on the representation. Hence, the petitioner has come forward with the present writ petition under Article 226 of the Constitution of India.

3. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. The learned Government Advocate appearing for the respondents submitted that the petitioner has applied for issuance of Patta in respect of the land measuring to an extent of 0.65.5 Hectares or 1.62 Acres comprised in Survey Nos.102/3 and 102/5 situated at No.80 Chinnekoundanahalli Village, Palacode Taluk, Dharmapuri District, but the land measuring to an extent of 0.65.5 Hectares or 1.62 Acres comprised in Survey No.102/4 situated at Chinnagoundanahalli Village, Palacode Taluk, Dharmapuri District, have been classified as dry Anadheenam, which is fit for land assignment to the poor landless persons as per the rules and regulations. The petitioner's husband Pappannan, S/o.Raja Boyan, is having a land in his own name in Nammandahalli Village, Palacode Taluk, Dharmapuri District vide Patta No.348. There are 144 persons waiting for free house site Patta to construct a Green House in Palacode Block. Therefore, he prayed to dismiss the above writ petition.

5. On perusal of the records, it is seen that the petitioner had converted the rock soil into agricultural cultivable land. As per the procedures, the petitioner should be a landless person, whereas, the petitioner's husband Pappannan, S/o.Raja Boyan, is having lands in his own name measuring an extent of 1.66.0 Hects vide Patta No.348 of Nammandahalli Village, Palacode Taluk, Dharmapuri District. Therefore, the petitioner does not fall under the Socio Economic Caste Census.



Moreover, 144 persons are waiting for free house site Patta to construct a Green House in Palacode Block. The petitioner's claim is that her representation shall be considered by the authorities concerned. Since the petitioner's husband has been in possession for the past 35 years by converting the rock soil into agricultural cultivable lands, her claim cannot be considered at this stage.

6. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Msm

TO

1. The District Collector,
O/o. The Collectorate, Dharmapuri.
2. The Revenue Divisional Officer,
O/o. The Collectorate, Dharmapuri.
3. The Tahsildar, Palacde,
Dharmapuri District.

+1cc to Mr.R.Selvakumar, Advocate SR.No.45071
+1cc to the Government Pleader SR.No.45887

W.P.No.16516 of 2019

SPD(CO)
GN(21/01/2022)