



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.15733 OF 2020

AND

W.M.P.NO.19564 OF 2020

A.Gowthaman

... Petitioner

-Vs-

1. The District Collector,
First Floor, Collectorate,
Nagapattinam 611 001.
2. The Tahsildar,
Tharangampadi Taluk,
Nagapattinam District.
3. The Special Tahsildar,
Natham Nilavari Thittam,
Tharangampadi Taluk,
Nagapattinam.
4. The Special Tahsildar,
Adi Dravidar and Tribal Welfare Department,
First Floor, Collectorate,
Nagapattinam.
5. The Village Administrative Officer,
Tharangampadi Taluk,
Nagapattinam.
6. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Myladuthurai,
Nagapattinam District.
7. P.Rajendhran
8. Saminathan
(R7 and R8 impleaded as per order
dated 24.11.2021 in W.M.P.No.15742 of 2021
in W.P.No.15733 of 2020)

... Respondents



Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent and second respondent to include and record the Patta No.816 issued by the third respondent to the petitioner in the revenue records such as "A"-Register, Chitta Register, Patta Register, Adangal Register and FMB Book and other revenue records maintained at Taluk and District Level in respect of property comprised in Old Survey No.13/5B, New No.13/35 measuring to an extent of 105 sq.m. situated at Keedaram Kondan Village, Tharangampadi Taluk, Nagapattinam District within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.G.Dinesh Kumar

For R1 to R6 : Mr.A.Selvendran
Special Government Pleader

For R7 and R8 : Mr.A.Mohamed Ismail

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the first respondent and second respondent to include and record the Patta No.816 issued by the third respondent to the petitioner in the revenue records such as "A"-Register, Chitta Register, Patta Register, Adangal Register and FMB Book and other revenue records maintained at Taluk and District Level in respect of property comprised in Old Survey No.13/5B, New Survey No.13/35 measuring to an extent of 105 sq.metre situated at Keedaram Kondan Village, Tharangampadi Taluk, Nagapattinam District within the time stipulated by this Hon'ble Court.

2. Heard Mr.G.Dinesh Kumar, learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1 to 6 and Mr.A.Mohamed Ismail, learned counsel appearing for the respondents 7 and 8.

3. The case of the petitioner is that the Government of Tamil Nadu has acquired larger extent of the land comprised in Survey No.13 of Keedaram Kondan Village, Tharangampadi Taluk, Nagapattinam District, by invoking provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978, with the object of providing house site patta to the weaker sections of the Harijans. The petitioner belongs to the Scheduled Caste community. The fourth respondent formed a layout in Survey



WEB COPY

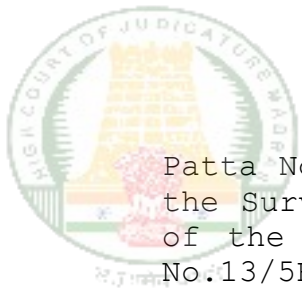
No.13 of Keedaram Kondan Village, Tharangampadi Taluk, Nagapattinam and sub divided the same into 35 house sites for grant of individual patta. In the meanwhile, the Government of Tamil Nadu has commenced Natham Survey Settlement in the Keedaram Kondan Village and ordered up-dation of Land records.

4. The third respondent in the light of the orders passed by the fourth respondent issued individual house site patta to the occupants of Harijans. Accordingly, the third respondent issued patta in Patta No.816 by the proceedings dated 29.05.1996 in favour of the petitioner in respect of the land comprised in Old Survey No.13/5B, New Survey No. 13/35 to an extent of 105 sq.metre and classified as Ryotwari Land. On the strength of the said patta, the petitioner approached the respondents for mutation of records such as "A" register, Chitta Register, Patta Register, Adangal Register and FMB Book and other revenue records.

5. A perusal of the counter revealed that, after making request by the petitioner and as directed by this Court in W.P.No.8756 of 2020 by an order dated 03.07.2020 filed by the petitioner, the representation of the petitioner was considered by the sixth respondent. The report was called for, from the District AdiDravidar Welfare Officer, Nagapattinam and accordingly, the land comprised in R.S.No.13/5B, measuring 2.81 hectares was acquired for granting free house site patta to the houseless AdiDravidars and 43 plots were proposed and house site patta was granted to 34 persons. In the said layout, the vacant place was allotted for construction of fair price shop. The petitioner has encroached the same and put up a small hut. The villagers also complained the same and requested to remove the encroachment, since, the power of issuance of patta are only vested with the AdiDravidar Welfare Department and other departments have no power to issue any patta.

6. That apart, the second respondent has verified the revenue records and also obtained a report from the Taluk Sub Inspector of Survey and found that, no patta was issued in favour of the petitioner in Patta No.816. Therefore, the patta produced by the petitioner is false and fabricated one. The petitioner is not actually residing in the said site, he is actually residing in R.S.No.13/20 which stands in the name of his mother on the opposite side of disputed site R.S.No.13/35.

7. Pending the writ petition, the other general public also filed petition to implead themselves as parties to the writ petition and submitted that the petitioner is an encroacher and on their complaint, the encroachment was removed. Further, the patta produced by the petitioner is fabricated one, since, the



Patta No. 816 was issued in the name of Manipillai pertaining to the Survey No.436/8A. Therefore, no patta was granted in favour of the petitioner insofar as the land comprised in Old Survey No.13/5B, New Survey No.13/35. Further, the said property is earmarked for shops and playground and the petitioner encroached the portion of the said land and subsequently, the encroachment was removed. They also produced photographs to show that the encroachments were removed with the aid of Police persons.

8. In view of the above, the directions sought for by the petitioner cannot be sustained and the writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mn

To

1. The District Collector,
First Floor, Collectorate,
Nagapattinam 611 001.
2. The Tahsildar,
Tharangampadi Taluk,
Nagapattinam District.
3. The Special Tahsildar,
Natham Nilavari Thittam,
Tharangampadi Taluk,
Nagapattinam.
4. The Special Tahsildar,
Adi Dravidar and Tribal Welfare Department,
First Floor, Collectorate,
Nagapattinam.
5. The Village Administrative Officer,
Tharangampadi Taluk,
Nagapattinam.



6. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Myladuthurai,
Nagapattinam District.

WEB COPY

+1cc to Mr.A.Mohamed Ismail, Advocate, S.R.No.60929

+2ccs to Mr.S.Mohamed Uduman, Advocate, S.R.Nos.60973 & 61375

+1cc to the Government Pleader, S.R.No.61513

W.P.No.15733 of 2020
and W.M.P.No.19564 of 2020

PL(CO)
RLP(27/12/2021)