



Mandamus, to direct the respondents to provide patta to the land in possession of the petitioner namely., to an extent of 1.80 acres in Survey No.259 in WP.22584/2019, 2.65 acres in Survey No 288 in WP 22588/2019, 2 acres in Survey No 289 in WP 22590/2019, 2 acres in Survey No 278 in WP 22595/2019, 3 acres in Survey No 270 in WP 22597/2019, 2.70 acres in Survey No 288 in WP 22601/2019, Eraiyur Village, Perambalur District within the time frame that may be fixed by this Court.

For Petitioner in all Wps. : Mr.K.Thilageswaran

For Respondents in all WPs.: Mr.V.Veluchamy
Government Advocate

COMMON ORDER

These Writ petitions have been filed for a Mandamus to direct the respondents to provide patta to the land in possession of the petitioners namely in Eraiyur Village, Veppanthattai Taluk, Perambalur District within a time frame.

2.The case of the petitioners are that they hail from Narikuravar Community, a nomadic gypsy tribe and their forefathers were roaming all over the country mostly in Tamil Nadu selling beads and chains and the men folks were involved in the hunting, however, by mistake their community is included in the MBC list.

3.The petitioner submits that by considering their poor socio economic status, the State and Central Government have taken several efforts for the upliftment of their Narikuravar Community and recently the Cabinet of the Central Government has given its approval to include their community in the Tribal list.

4.The petitioners further submit that the Government of Tamil Nadu has taken consistent efforts to declare their community as Scheduled Tribe and on 29.08.1976, the Government of Tamil Nadu issued G.O. Ms.No.666 stating that all steps are being taken to include Narikuravar community in the Scheduled Tribes list and the G.O. further states that all rights, benefits and concessions enjoyed by the Scheduled Tribes are extended to Narikuravars in Tamil Nadu.



5. According to the petitioners, because of their nomadic character they could not educate their children and could not settle in a permanent place and their socio economic status is being very poor, considering the in the year 1977, the District Administration of Trichy, (Now Perambalur District) orally allotted to an extent of 1.5 to 4 acres of revenue Poromboke land for each of their Narikuravar community people nearly about 200 of such families including the petitioners were being allotted so.

6. The petitioners submit that they are viz., Jeeva, Chainnadurai, Manoharan, Jayalalitha, Rajeshwari and Lakshmi were allotted 1.80 acres in Survey No.259, 2.65 acres in Survey No.288, 2 acres in Survey No.289, 2 acres in S.No.278, 3 acres in Survey No.270 and 2.70 acres in Survey No.288 in Eraiyur Village, Perambalur District respectively and they have been doing in continuous possession of the land and doing agricultural till date and the respondents were also collecting tax for the said lands for some period.

7. The petitioners further submit that at the time of allotment, the land was filled with bushes and thorns and infertile, however, by their hard work, they converted the said infertile land to fertile land and they are cultivating crops like paddy and sugarcane etc. and due to scarcity of water, the petitioners have started to cultivate crops like maize, cotton, sugarcane etc.

8. According to the petitioners, the said allotment of the agricultural land, they given up their nomadic life and settled nearby the said land and now it is being called "Narikuravar Colony" and they have also started to dated educate their children as well.

9. According to the petitioners, by considering their poor socio economic status, the fourth respondent Tahsildar has forwarded a recommendation by his proceedings in Na.Ka.No.A1 9136 dated 15.05.1983 to the third respondent Revenue Divisional Officer for issuance of patta to the said agricultural land in their possession, the said fact is revealed by a communication dated 30.03.1984 in Na.Ka.2 Ka/63357/83 issued by the Director of Survey and Revenue Department to their community members viz.,



one Mittasingh and 60 others.

10.The petitioners further submit that despite the said recommendation for patta for the said land has not been granted for a long period and the Narikuravar Welfare Association have submitted a representation to the first respondent on 24.12.2018 and requested patta for their said agricultural land, the second respondent has assured them to consider their representation till date they have not received any positive reply from the respondents.

11.According to the petitioners, the State Government itself by way of G.O.(Ms.)No.241 dated 12.09.2006 provided 2 acres of land to the poor, whereas the petitioners and other Narikuravar people in their village are not only poor but also most backward in socio-economic condition and the literacy rate of their people is also very low.

12.According to the petitioners, they are not only belonged to Narikuravar community by birth but also their social status is backward and they are far behind in socio economic condition, unless patta is granted in their favour, their lives would be put in a stake than from the present level where they are placed now and they want one place to do agricultural activities for their living and to educate their children.

13.The petitioners submit that the Central Government has already taken measures to safeguard their interest and community and the Authorities concerned, based on the decision of the State Government as well as the Central Government had passed proper orders.

14.The petitioners have no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, these writ petitions filed.

15.Heard, learned counsel for the petitioners and learned Government for the respondents and perused the materials available on record.

16.On going through the typed set of papers, it is seen that the Secretary to Government, Adi Dravidar and Tribal Welfare Department, Secretariat, Chennai dated 16.07.2012 addressed a



letter to the Secretary, Ministry of Tribal Affairs, Shastri Bhavan, New Delhi wherein requested the Government of India, Ministry of Tribal Affairs the comments/additional informations of this State Government on the observation of Registrar General of India for inclusion of Narikoravan grouped with Kurivikkaran in the Scheduled Tribes list of Tamil Nadu. The petitioners filed photographs would show that they are doing cultivation in the agricultural land. The petitioners submit that Narikkuravar Welfare Association sent a representation dated 24.12.2018 to the District Collector, Perambalur District seeking for issuance of patta but the Government has not considered the same in spite of the lands allotted to them by the District Administration and the petitioners are in possession of their respective lands since 1997 and they are residing and educating their children in the said lands, the same has to be considered by the Authorities.

17. In view of the above facts and circumstances of the case and the submission made by the petitioners, this Court is of the view that the Authorities shall consider the petitioners representation dated 24.12.2018 as well as based on the abstract of G.O (Ms.) No.241 (Agriculture (WD.1) Department) dated 12.09.2006 pass appropriate orders in accordance with law after affording an opportunity to the petitioners, within a period of four months from the date of the receipt of copy of this order and in case if the said representation is not available with the Authorities, the petitioners are hereby directed to submit a fresh representation within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

dk/pam

To

1. The District Collector,
Perambalur District,
Perambalur.



2. The District Revenue Officer,
Perambalur District,
Perambalur.

WEB COPY

3. The Revenue Divisional Officer,
Perambalur,
Perambalur District.

4. The Tahsildar,
Vepanthattai Taluk,
Perambalur District.

+1cc to the Government Pleader, S.R.No.51549

W.P.Nos.22584, 22588, 22590,
22595, 22597 and 22601 of 2019

MG(CO)
SB(02/11/2021)