



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

WEB COPY

W.P. (MD) .No.12892 of 2021

1.C.Bose
2.C.Natchimuthu
3.C.Muthammal

...Petitioners

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Aathur Taluk,
Dindigul District.

3.The Secretary,
Gandhigramam Trust,
Gandhigramam,
Dindigul District.

... Respondents

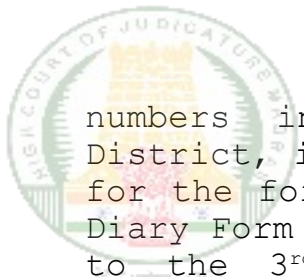
Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioners representation, dated 07.06.2021, requesting the 2nd respondent to issue patta to the land bearing S.No.173 measuring 4 acres situated at Thoppampatti Village, Aathur Taluk, Dindigul, Which was allotted to the petitioners father under Thadco Scheme, within a time limit fixed by this Court.

For Petitioners	: Mr.K.Periasamy
For Respondents	: Mr.R.Suresh Kumar
	Government Advocate

ORDER

This writ petition has been filed for the issuance of the writ of Mandamus, directing the 2nd respondent to consider the petitioners representation, dated 07.06.2021, requesting the 2nd respondent to issue patta to the land bearing S.No.173 measuring 4 acres situated at Thoppampatti Village, Aathur Taluk, Dindigul, Which was allotted to the petitioners father under Thadco Scheme.

2.The case of the petitioner is that the Tamil Nadu State Government by G.O.Ms.No:401, Rev.4/16th February 1950, sanctioned the alienation of 185./8 acres of lands measuring various survey



numbers in keelakottai and Thoppampatti villages of Dindugal District, in favour of the 3rd respondent herein for use as the sites for the formation of an Agricultural colony, for pasturing, opening Diary Form and Planting trees. The alienation made by the Government to the 3rd respondent was free of charges subject to certain conditions.. The then Madurai District Collector submitted a land development project for Keelakottai village at a total cost of Rs.5,97,000/- under Thadco Scheme for the rehabilitation of 20 landless Adi Dravidar Agricultural Labourers in about 80 acres of land owned by the 3rd respondent trust. To that effect a G.O.MS.No:1566 dated 22.05.84 Social Welfare Department was issued. The financial cost proposed by the collector for the project has to be utilized for the following purposes: -

- (i) 5 numbers of well to be dugged with electric motors pump set.
- (ii) Reclamation of land by contour bunding and leveling of 80 acres land
- (iii) Providing each family with agricultural implements and work bullock for 20 families
- (iv) Providing each family with milk cow and 5 goats for supplementary income.

3. The further case of the petitioner is that for the rehabilitation of 20 landless Adi Dravidar Agricultural laborers at Thoppampatti Village 80 acres of land in various survey numbers had been allotted to 20 persons. The petitioners are belonged to SC - Pallan community. The petitioners' father was one among the 20 allottees. The extent of the land allotted to the petitioners' father was 4 acres out of 80 acres in S.No:173. The said land was allotted to the petitioners' father under Thadco Scheme in the year 1984. From the date of allotment onwards the petitioners' father and the petitioners were in joint possession and enjoyment of the above said land. The petitioners' father and the petitioners gradually changed the nature of the land as cultivable land. The petitioners and the petitioners' father raised crops regularly in the land allotted to the petitioners father under Thadco Scheme.

4. It is submitted that though the land in S.No:173, measuring 4 acres was, allotted to the petitioners father in the year 1984, till date patta has not been issued neither to the petitioners father nor to the petitioners by the revenue authorities. The petitioners father died on 25.11.2003. Already the petitioners and their father were in possession and enjoyment of the said land for more than 37 years. Though the land had been allotted to the petitioners' father under Thadco Scheme, neither the Petitioners father nor the petitioners possessed even a single paper to prove that they have got title to the above said land. The petitioners approached the revenue authorities on several occasions and made a request to issue patta to the petitioners for the land bearing S.No:173 measuring 4 acres respectively. But the revenue authorities

<https://hse.ces.courts.gov.in/hse/cases/> their single finger in, this regard. All the attempts



made by the petitioners are in vain.

5. It is submitted that all the 20 allottees including the petitioners approached the 3rd respondent and requested the 3rd respondent to take necessary steps for obtaining patta to all the 20 allottees. Considering the allottees request the 3rd respondent in his letter, dated 27.05.2014, requested the 2nd Respondent to issue patta to the petitioners and other 19 allottees to the land allotted to them. According to the petitioner, without any reason the 2nd respondent is delaying in issuing patta to the petitioners. Further the petitioners also made a representation on 07.06.2021 to the 2nd respondent requesting him to issue patta to the petitioners land. The said representation was received by the 2nd respondent on 10.06.2021. The copy of the representation was forwarded to the respondents 1 and 3 also. Till date the 2nd respondent has not taken any steps to consider the representation and also not issued patta to the petitioners. The petitioners has no other alternative except to invoke the jurisdiction of this Hon'ble High court under Article 226 of the constitution of India for a writ of mandamus.

6. Heard Mr.K.Periasamy, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate for the respondents.

7. The learned Government Advocate appearing for the respondents would submit that the representation given by the petitioner will be considered by the 2nd respondent on its own merits within a time stipulated by this Court.

8. Considering the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner dated 07.06.2021, in the light of the recommendation made by the 3rd respondent, on its own merits and in accordance with law by giving opportunity to the petitioner and the other allottee and pass orders, within a period of eight weeks from the date of receipt of a copy of this order.

9. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Aathur Taluk,
Dindigul District.

3.The Secretary,
Gandhigramam Trust,
Gandhigramam,
Dindigul District.

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate (SR-24516[F] dated 29/07/2021)

+1 CC to M/s.SPL GP (SR-24727[F] dated 30/07/2021)

W.P. (MD) .No.12892 of 2021

Dated:
29.07.2021

ES (CO)

KB(10.08.2021) 4P 6C