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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3797 of 2021

And

W.M.P.Nos.4332 and 26271 of 2021

M.Krishnan

... Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its
Principal Secretary to Government,
Revenue Department (L.A1-2)
Fort St.George,
Chennai - 600 009.
2. The District Collector,
District Collector Office,
NH-7, Near Toll Gate,
Krishnagiri District,
Krishnagiri.
3. The Tahsildhar
Taluk Office,
Hosur - 635 109,
Krishnagiri District.
4. The Village Administrative Officer,
Chennapalli, Hosur Taluk,
Krishnagiri District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in G.O.62 dated 27.01.2020 and to quash the same as illegal, incompetent and without jurisdiction and to further direct the respondents to grant assignment in favour of the petitioner in respect of the lands in occupation of the petitioners situated at S.No.69/2A, 2A6, 2A7, and 2A8 measuring to an extent of 4.75 acres situated at Palavanthimmanapalli, Chennapalli (P.O), Hosur Taluk, Krishnagiri District.



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For Petitioner : Mr.V.Raghavachari
For Respondents : Mr.R.Neelakandan
Additional Advocate General
Assisted by
Mr.A.Anandan
Government Advocate

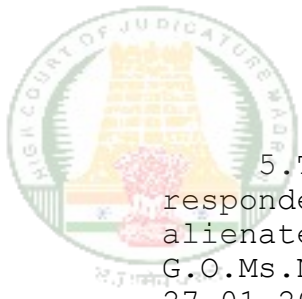
O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in G.O.62 dated 27.01.2020 and to quash the same as illegal, incompetent and without jurisdiction and to further direct the respondents to grant assignment in favour of the petitioner in respect of the lands in occupation of the petitioners situated at S.No.69/2A, 2A6, 2A7, and 2A8 measuring to an extent of 4.75 acres situated at Palavanthimmanapalli, Chennapalli (P.O), Hosur Taluk, Krishnagiri District.

2.The case of the petitioner is that the petitioner's ancestors and the petitioner are in occupation of the subject property for more than 62 years and the petitioner's ancestors made application seeking issuance of assignment patta as early as on 30.06.1958, however, their request was not considered and vide the impugned Government Order, the Government acquired the property for formation of park. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner's ancestors and the petitioner are in occupation of the subject property and since the respondents tried to dispossess them from the subject property before the land was acquired, the petitioner made representation to the respondents seeking not to disturb their peaceful possession and to grant patta in their favour and since the said representation was not considered, the petitioner and his mother filed W.P.No.19759 of 2020 before this Court and this Court vide order dated 23.12.2020, directed the Thasildar, Sulagiri Taluk, to consider their representation and to pass appropriate orders within a time frame.

4.The learned counsel appearing for the petitioner further submitted that pursuant to the order of this Court dated 23.12.2020, the Thasildar, Sulagiri Taluk, has vide order dated 04.02.2021 rejected the request of the petitioner. Hence, without going into the merits of the case, this Court may permit the petitioner to file appropriate writ petition challenging the order of the Thasildar, Sulagiri Taluk, dated 04.02.2021.



5.The learned Additional Advocate General appearing for the respondents submitted that the acquired lands have already been alienated to the Agricultural Marketing Society as per G.O.Ms.No.62, Revenue and Disaster Management Department, dated 27.01.2020 for establishment of Food Park in the Chennapalli Village and the farmers of the village and the surrounding villages will be benefited by the establishment of Food Park.

6.The learned Additional Advocate General appearing for the respondents further submitted that the claim of the petitioner for issuance of patta is based on his possession and not based on title. As per the Revenue Standing Orders, it is for the Government/ appropriate Authority to decide as to whether the disputed land is prohibited for granting assignment patta in favour of individual persons.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.The facts in the present case is not in dispute. Admittedly, the petitioner's claim their ancestors and the petitioner are in occupation of the subject property for more than 62 years and the petitioner's ancestors made application seeking issuance of assignment patta as early as on 30.06.1958. Since the respondents tried to dispossess them from the subject property, the petitioner made representation to the respondents seeking not to disturb their peaceful possession and to grant patta in their favour and since the said representation was not considered, the petitioner along with his mother filed W.P.No.19759 of 2020 before this Court and this Court vide order dated 23.12.2020, directed the Thasildar, Sulagiri Taluk, to consider their representation and to pass appropriate orders within a time frame. Thereafter, the Thasildar, Sulagiri Taluk, has vide order dated 04.02.2021, rejected the request of the petitioner.

9.Now the learned counsel appearing for the petitioner requests this Court to permit the petitioner to file appropriate writ petition challenging the order of the Thasildar, Sulagiri Taluk, dated 04.02.2021.

10.Since the acquired lands have already been alienated to the Agricultural Marketing Society as per G.O.Ms.No.62, Revenue and Disaster Management Department, dated 27.01.2020, for establishment of Food Park in the Chennapalli Village, this Court is not inclined to interfere with the Government Order.

11.However, considering the limited relief now sought for by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned Government Order, permits the petitioner to work out the remedy in the manner known to law.



12. With the above observation, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
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2. The District Collector,
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Taluk Office,
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4. The Village Administrative Officer,
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Krishnagiri District.

+lcc to Government Pleader SR. No. 28668

W.P.No.3797 of 2021
And
W.M.P.Nos.4332 and
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CA (CO)
PR (20/05/2022)