



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10087 of 2022

C. Dhanraj

... Petitioner

Vs

1. The District Collector,
Dharmapuri,
Dharmapuri District.

2. The Special Tahsildar (LA)
Adhi Dravidar & Backward Class
Welfare Office,
Dharmapuri,
Dharmapuri District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus or any other appropriate order or direction, in the nature of writ directing the 2nd respondent to consider the petitioner's representation dated 08.02.2022 seeking to cancel the house site patta issued to beneficiaries.

For Petitioner ... Mr. E. Elango

For Respondent ... Mr.P.Sathish,
Additional Government Pleader

O R D E R

The present petition has been filed seeking a direction to the 2nd respondent to consider the representation dated 08.02.2022 made by the petitioner seeking cancellation of patta granted in favour of the beneficiaries.

2. Mr.P.Sathish, Learned Additional Government Pleader takes notice for the respondents.



3. It is the case of the petitioner that his father was the owner of the subject lands which were acquired by the respondents under 4(1) notification of the Land Acquisition Act, 1894 as per G.O(3D).No.29, Backward classes and most backward classes welfare dated 18.05.1995 and 6 declaration was ordered on 01.07.1996. Challenging the Acquisition Proceedings, a Writ Petition in W.P.No.2738 of 1998 was filed before this Court, however, the same was dismissed. Since, the Award was not passed within the period of two years from the date of 6 declaration, another Writ Petition in W.P.No.17992 of 2010 was filed, in which an order of interim stay of dispossession was passed. Pursuant to the Acquisition Proceedings, the award was passed on 28.01.1998. Thereafter, another Writ Petition in W.P.No.39496 of 2015 was filed seeking declaration of the Land Acquisition Proceedings as lapsed, however, the same is still pending. Upon perusal of the Adangal Register, the petitioner came to know that, pending disposal of the aforesaid Writ Petitions, some of the beneficiaries were granted patta in respect of the subject lands in the year 2002. Therefore, the petitioner made a representation dated 08.02.2002 before the 2nd Respondent herein, seeking cancellation of patta granted in favour of the beneficiaries. However, till date, the same has not been considered. Hence, the petitioner has come up with the present petition seeking the aforesaid relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the 2nd respondent herein to dispose of the representation made by the petitioner on merits, within the time that may be stipulated by this Court.

5. Learned Additional Government Pleader appearing for the respondents submits that the earlier petition filed by the petitioner's father was dismissed for non-prosecution on 25.09.2018 and the same has not been restored. Therefore, the prayer sought for in this Writ Petition cannot be acceded to. Hence, the present petition is liable to be dismissed.

6. Per contra, learned counsel for the petitioner submits that the petitioner has already filed a restoration application and the same is still pending.

7. In view of the aforesaid submissions and upon perusal of the materials available on record, this Court of the opinion that though this Court granted an order of interim stay for dispossession of the subject property, however, in view of the fact that, till date, the Writ Petition which was dismissed for



non-prosecution has not been restored, filing of another Writ Petition with regard to the very same relief, cannot be entertained. Hence, the prayer sought for in this Writ Petition cannot be acceded to and this Writ Petition deserves to be dismissed.

8. For the reasons aforesaid, this Writ Petition is devoid on merits and same is dismissed granting liberty to the petitioner to work out his remedy in the manner known to law after the restoration of the Writ Petition. No costs.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

NHS

To

1.The District Collector
Dharmapuri
Dharmapuri District

2.The Special Tahsildar(LA)
Adhi Dravidar & Backward class
Welfare office,
Dharmapuri
Dharmapuri District.

+1 cc to Mr.M.Elango Advocate sr29571
+1 cc to the Government Pleader in sr.29660

W.P.No.10087 of 2022

sra(co)
aa07/06/2022