



WEB COPY



W.P. Nos.831, 834 and 835 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. Nos.831, 834 and 835 of 2020

and

W.M.P.Nos.1002,1003,1006, 1008, 1010 and 1011 of 2020

K.Kaalliappan	... Petitioner in W.P.No.831/2020
Rajamanickam	... Petitioner in W.P.No.834/2020
Manesan	... Petitioner in W.P.No.835/2020

Vs.

- 1.The State of Tamil Nadu,
represented by the Secretary to Government,
Revenue Department, Fort St.George,
Chennai - 600 009.
- 2.The State of Tamil Nadu
represented by Agriculture Production Commissioner
and the Secretary to Government,
Fort St.George, Chennai - 600 009.
- 3.The State of Tamil Nadu,
represented by the
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai - 600 009.
- 4.The Directorate of Horticulture and Plantation Crops,
3rd Floor, Agriculture Complex,
Ezhilagam, Chepauk,
Chennai - 600 005.



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5. The District Collector,
Dharmapuri District,
Dharmapuri.

6. The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District.

... Respondents in all W.Ps.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records pertaining to the order passed by the Tahsildar, Dharmapuri Taluk, the sixth respondent herein, vide his proceedings No.Na.Ka.No.1046/2019/A1 dated 22.07.2019 and quash the same as it is highly illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents 4 and 5 to exempt an extent of (i) 2.50 Acres, (ii) 4 Acres and (iii) 4 Acres in Survey No.94/1, which is under possession and enjoyment of the petitioners respectively from the transfer made to the Horticulture department for the formation of Botanical Garden and thereby directing the sixth respondent to issue patta to the petitioners in respect of the lands in their possession in Survey No.94/1 to an extent of (i) 2.50 Acres (ii) 4 Acres and (iii) 1.50 Acres at Vathalmalai Village, Dharmapuri Taluk & District.

For Petitioners : Ms.C.Kavaya
[in all W.Ps.] for Mr.A.R.Suresh

For Respondents : Mr.G.Krishna Raja
[in all W.Ps.] Additional Government Pleader



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COMMON ORDER

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2. The case of the petitioners is that petitioners claim that they are in occupation of the land in S.No.94/1 of an extent of 2.50 acres, 4 acres and 1.5 acres respectively situated in Vathalmalai Hills, Kodagavalli Panchayat, Dharmapuri Taluk and District – 635 301. Thereafter, the said land was acquired by the Government and later, it was transferred to Horticulture Department vide proceedings of the fifth respondent dated 14.07.2013. While so, the petitioners made separate representations dated 21.10.2016 before the sixth respondent to grant patta and to exempt their land from acquisition proceedings, but the same was not considered by the sixth respondent, which necessitated the petitioners to file Writ Petitions before this Court for grant of assignment patta in W.P.Nos.10729 to 10732 of 2018. In compliance with the order of this Court in above said Writ Petitions dated 02.07.2019, the sixth respondent considered the petitioners' representations dated 21.10.2016 and rejected their claim citing that the land in S.No.94/1 was classified as “Government Unassessed Waste (Karadu)” vide order dated 22.07.2019, which came to be challenged by the petitioners in the present



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Writ Petitions.

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3. Learned counsel for the petitioners submitted that the petitioners claim that they are forest dwellers for more than centuries and are in occupation and have cultivated variety of trees in the subject property. Without considering the same, the sixth respondent rejected the petitioners' representations dated 21.10.2016 and passed the impugned order vide proceedings in Na.Ka.No.1046/2019/A1 dated 22.07.2019, which is not sustainable. Hence, he prayed for allowing the present Writ Petitions.

4. Learned Additional Government Pleader appearing for the respondents submitted that prior to the said acquisition proceedings, the land in S.No.94/1 was classified as "Government Unassessed Waste (Karadu)" and after the completion of the acquisition of the subject lands, it was transferred to the Horticulture Department vide proceedings of the fifth respondent dated 14.07.2013. He further submitted that though the petitioners are owning several acres of land in Vathalmalai and Kondagarahalli Village, however, they had been persisting the respondents for assignment patta, which is beyond the scope of the respondents as the subject lands belongs to Horticulture Department. Hence, the present Writ Petitions are liable to be dismissed.



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5. Heard the arguments advanced on either side and perused the materials placed before this Court.

6. This Court, on perusal of the entire records including the order of the sixth respondent impugned in this Writ Petition dated 22.07.2019, finds that the petitioners claim for grant of assignment patta in S.No.94/1 was rejected on the ground that prior to the acquisition proceedings, the subject property was classified as “Government Unassessed Waste (Karadu)” and later, it was transferred to the Horticulture Department vide proceedings of the fifth respondent dated 14.07.2013. In such circumstances, the petitioners ought to have challenged the order of the fifth respondent dated 14.07.2013, but, without doing so, they filed the present Writ Petitions seeking for the relief of quashment of the consequential impugned order dated 22.07.2019, which is unsustainable.

7. Accordingly, these Writ Petitions are dismissed. No costs. Consequently connected miscellaneous petitions are closed.

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(1/2)

Index : Yes / No
Speaking order : Yes / No
RAP



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M.DHANDAPANI, J.

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