



W.P. No.30385/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 30385 OF 2022

K.R.Lakshminarasimhan

.. Petitioner

- Vs -

1. The Secretary to Government
Adi Dravidar & Tribal Welfare Dept.
Secretariat
Chennai 600 009.

2. The District Collector
Tiruvannamalai District
Tiruvannamalai.

3. The Special Tahsildar (Land Acquisition)
Adi Dravidar Welfare
Polur, Tiruvannamalai District.

4. The Tahsildar
Polur Taluk, Tiruvannamalai Dt.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying
this Court to issue a writ of mandamus directing the respondents to restore patta



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in the name of the petitioner in respect of the land situate in Survey No.256 in Vemani Village, Polur Taluk, Tiruvannamalai District, comprised in Patta No.170.

For Petitioners : Mr. M.Sriram

For Respondents : Mr. M.Muthusamy, GA

ORDER

The present petition has been filed seeking a direction to the respondents for restoration of the patta in the name of the petitioner in respect of the land in Survey No.256 in Vemani Village, Polur Taluk, Tiruvannamalai District.

2. It is the case of the petitioner that he owns an extent of 2.65.5 hectares of land in Survey No.256 in Vemani Village, Polur Taluk, bearing patta No.170 in the present Tiruvannamalai District. In the year 1996 the 3rd respondent initiated proceedings for acquisition of lands in Vemani Village for the purpose of providing house sites to Adi Dravidars in which the lands of the petitioner was also included. Objections were called for by notice dated 31.7.2000 to which the petitioner submitted his objections on 9.8.2000 to the 3rd respondent, which were, without consideration, forwarded to the 2nd respondent for issuance of notification u/s 4 (1) of the Act. Resultantly, the petitioner filed W.P. o.8862 of



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2001 challenging the said notification, which was quashed by this Court vide order dated 10.11.2009.

3. It is the further case of the petitioner that thereafter, the 3rd respondent again issued notice in the last week of October, 2007, addressed to one Kumar and Chandrasekaran, alleging to be the son of the petitioners, but no notice was served on the petitioner. However, the said notices were returned by the petitioner as they were not addressed to him. Thereafter, the petitioner filed W.P. No.36502 of 2007 to desist the respondents from forcefully dispossessing the petitioner, which petition was dismissed but with a direction to the respondents to furnish a copy of the Section 4 (2) Notice and Section 4 (1) Notification with liberty to the petitioner to work out his remedies. Pursuant to the said direction, copy of the notice dated 17.10.2007 was given to the petitioner, which revealed that the said notices were sent to Kumar and Chandrasekaran, alleging that they were the sons of the petitioner, as the petitioner had expired.



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4. It is the further case of the petitioner that his son is one K.L.Srinivasan and that the notice was not served on the petitioner till date, inspite of the petitioner being very much alive and, therefore, the said notices were put in issue by filing W.P. No.13630/2021 and this Court, by order dated 17.12.2021 allowed the petition and quashed the acquisition proceedings. Pursuant to the same, the petitioner applied for restoration of patta in the name of the petitioner as it stood before the initiation of acquisition proceedings. However, respondents 2 and 3, inspite of receipt of notice, had not taken any steps to comply with the restoration of patta, which resulted in filing of Contempt Petition No.1859 of 2022, which was disposed of by this Court by recording the stand of the Special Government Pleader that the application of the petitioner for mutation of revenue records in favour of the petitioner is pending consideration and, therefore, the contempt petition was closed with a direction to dispose of the petitioner's application in the light of the order passed by this Court in W.P. No.13630/2021 dated 13.12.2021.

5. It is the further averment of the petitioner that a representation dated 3.11.2022 was once again given for restoring the patta in his name, but no action



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has been taken on the same and, therefore, left with no other alternative, as the respondents were merely dragging on the matter, the present petition has been filed for a direction to the respondents to restore the patta in the name of the petitioner in respect of the lands comprised in S. No.256 of Vemani Village, Polur Taluk, Tiruvannamalai District.

6. Learned counsel appearing for the petitioner, highlighting the sequence of events leading to the quashing of the acquisition proceedings by this Court vide order dated 13.12.2021 submitted that inspite of the acquisition proceedings having been quashed way back on 13.12.2021, inspite of the representation of the petitioner to restore the patta in his name, as it stood prior to the acquisition proceedings and also inspite of the stand of the taken by the Special Government Pleader in the contempt petition, till date, no action has been taken by the respondents to restore the patta back to the name of the petitioner and the petitioner is made to knock the doors of this Court without being provided with the relief, which has already been granted to him by this Court. Accordingly, he seeks for an affirmative direction to the respondents to restore the patta in his name.



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7. On the above contentions, this Court heard the learned Government Advocate, who submits that the directions given by this Court will be complied with.

8. Heard the learned counsel appearing on either side and perused the materials available on record.

9. This is a classic case of the executive bureaucracy, which has been time and again brought to the knowledge of this Court, which this Court has deprecated in its umpteen number of judgments. An ordinary citizen, such as the petitioner, is made to run from pillar to post to obtain a document, which he is rightfully entitled to and which ought to have been granted to him in the ordinary course of the official duties of the respondents. But inspite of doing the same, notwithstanding the fact that a definitive stand has been taken by the respondents in the contempt petition in Contempt Petition No.1859/2022, wherein this Court has given a direction to dispose of the petitioner's application in the light of the orders passed in W.P. No.13630/2021 dated 13.12.2021, still no



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action has been taken by the respondents to mutate the records and grant patta in the name of the petitioner.

10. Neither the respondents have appealed against the orders passed in W.P. No.13630/2021 nor adhered to the orders passed in the said writ petition, and passed any affirmative orders by restoring patta back in the name of the petitioner. The silence of the respondents without passing any orders clearly speaks volumes about the manner in which this Court's orders are being dealt with and the respect that is given to the orders of this Court. Once an order is passed by this Court, unless it is set aside in the manner known to law, it is the duty of administrative arm of the Government to comply with the orders of this Court in letter and spirit. Without giving the requisite respect which the orders of this Court commands, the orders are treated as mere bits of paper, resultantly, not only the citizens are made to repeatedly knock the doors of this Court, but this Court is also burdened with continuous flow of petitions by the very same individuals seeking the very same relief, which is all due to the inaction of the officials such as the respondents.



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11. In the case on hand, already this Court had quashed the acquisition proceedings, which has not been appealed against, which order has become final way back on 13.12.2021. However, inspite of the said order, patta has not been restored in the name of the petitioner on the basis of the representation given by him. The contempt petition filed was closed with direction on the ground that the same is pending consideration of the respondents. The respondents hide themselves from the wrath of contempt, citing pendency and closure of the contempt petition in which certain directions were issued, which, however, has not finally yielded any result, but only allowed the respondents to go scot-free without obeying the directions of this Court.

12. When the learned Special Government Pleader, in the contempt petition, had hid the respondents, citing pendency of consideration of representation of the petitioner, a duty is cast on the respondents to pass orders on the said representation in line with the orders passed by this Court in W.P. No.13630/2021. But unmindful of their duties and responsibilities, the respondents have made the petitioner to run from pillar to post, including filing another representation and also to approach this Court once over to get a



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direction to the respondents to do their work, which they are supposed to do, without any direction from this Court.

13. It has become a routine affair for the respondents to give scant respect to the orders of this Court and when it is sought to be enforced in contempt, try to save themselves by either complying with the said order or plead that the matter is under consideration and save themselves from their contemptuous act. In fact, contempt jurisdiction is used to enforce the order passed by this Court, which has become a pathetic scenario, thereby, reducing the stature of this Court. It is high time that the respondents and other Government officials realise that this Court will not always be a mute spectator to all the disrespect meted out to this Court and, therefore, the Government officials such as the respondents realise their duties and responsibilities and comply with the directions issued by this Court.

14. This Court would also like to stress the fact that this is not an isolated case in which the revenue officials have not performed their duties. This Court is flooded with cases relating to issuance of patta, more especially, seeking a



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mandamus for a direction to the officials therein to consider their representation and pass orders. It is to be highlighted that this is a constitutional court, but the manner in which the executive is functioning makes this Court more of a post office to deliver the orders, rather than acting as a custodian of the Constitution.

15. Coming to the issue proper, as already aforesaid, the acquisition proceedings had been quashed by this Court way back on 13.12.2021. Immediately on the quashment of the acquisition proceedings, it is the bounden duty of the respondents to restore the patta back to its position as was existing before the acquisition proceedings even without any representation or application from the petitioner. However, even in spite of the representation and the further direction of this Court in the contempt proceedings, till date, the representation of the petitioner has not seen the light of the day. The petitioner has once again given a representation on 3.11.2022, almost one year after the order quashing the acquisition proceedings. The inaction of the respondents to perform their duty by complying with the orders of this Court, has resulted in the filing of the present petition.



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16. When the matter was listed on 16.11.2022, learned Special Government Pleader appearing for the respondents submitted that patta will be granted considering the application of the petitioner on or before 30.11.2022. Accordingly, the case was listed on 30.11.2022, more specifically under the caption “For Issuance of Patta”, and when the case is taken up on the said date, the silence as it persisted with the respondents till the said date, persisted then and it still persists and no action seems to have been taken inspite of the undertaking given on behalf of the respondents by the learned Special Government Pleader.

17. In the aforesaid circumstances, though this Court can very well take action against the act of the respondents in not complying with the directions of this Court as also the undertaking given by this Court, considering all the above facts and circumstances, to give a last chance to the respondents to discharge their lawful duty, this Court is constrained to pass the following order :-

- i) *The 4th respondent is directed to pass orders on the petitioner's representation based on the orders passed by this Court in W.P.*



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- No.13630/2021 dated 13.12.2021 for restoring the patta within a period of two weeks from the date of receipt of a copy of this order and forward a copy of the compliance report to respondents 1 and 2;*
- ii) *Failing compliance of the aforesaid directions, the 2nd respondent is directed to initiate appropriate action against the 4th respondent for failure to comply with the directions of this Court; and*
- iii) *In the event of non-compliance of the aforesaid directions, it is open to the petitioner to ventilate his grievance in accordance with law.*

18. This writ petition is disposed of with the aforesaid observations and directions. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No



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To

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Secretariat, Chennai 600 009.
2. The District Collector
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Tiruvannamalai.
3. The Special Tahsildar (Land Acqn.)
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M.DHANDAPANI, J.

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