



WEB COPY



W.P.No.2724 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No.2724 of 2023
and
WMP No. 2828 of 2023

Adhikesavareddy

.. Petitioner

Versus

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Revenue and Disaster Management Department
Secretariat, Chennai-600009.
2. The District Collector
Tiruvallur District
Tiruvallur
3. The Revenue Divisional Officer
Tiruvallur
Tiruvallur District
4. The Tahsildhar
Oothukottai Taluk
Tiruvallur District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from converting the Thoppu Poramboke lands in S.No.146/3, to an extent of 2.23.5 hectares, Latchivakkam Village, Oothukottai Taluk, Tiruvallur District for providing house site Patta



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or for any other purpose and consequently direct the respondents to consider our objection dated 24.11.2022 to maintain the said land as Thoppu Poramboke Land for the usage of villagers.

For Petitioner : Mr. M.R. Jothimanian
for Mr. K. Balu
For Respondents : Mr. Bala Dhandayudhan
Special Government Pleader for RR1 to 4

ORDER

(Order of the Court was made by **R. MAHADEVAN, J.**)

Heard Mr. M.R. Jyothimanian, learned counsel for the petitioner and Mr. Bala Dhandayutham, learned Special Government Pleader, who accepts notice on behalf of the Respondents 1 to 4.

2. The petitioner has come forward with this Writ Petition to issue a Writ of Mandamus forbearing the respondents from converting the Thoppu Poramboke lands in S.No.146/3, to an extent of 2.23.5 hectares, in Latchivakkam Village, Uthukottai Taluk, Tiruvallur District for providing house site Patta or for any other purpose and consequently direct the respondents to consider the objection of the Petitioner dated 24.11.2022 and to maintain the said land as Thoppu Poramboke Land for the usage of villagers.



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3. According to the Petitioner, he is a resident of Perambur Village, Latchivakkam Panchayat, Uthukottai Taluk, Tiruvallur District where more than 300 families are residing. The land in S.No.146/3, to an extent of 2.23.5 hectares, Latchivakkam Village, Uthukottai Taluk, Tiruvallur District has been classified as Thoppu Poramboke and the same is used by the villagers for public purpose and more particularly for cattle rearing. It is stated by the petitioner that people belonging to Scheduled Caste community have given a representation to provide free house site patta for their dwelling and for this purpose, the respondents have zeroed in on the land in Survey No. 146/3 notwithstanding the fact that the same is used by the Villagers of Latchivakkam Panchayat for cattle rearing and various other use. In this context, commotion prevailed in the locality and therefore, the fourth respondent issued summons dated 15.11.2022 to attend a peace committee meeting on 16.12.2022, among the petitioner and others (B Party) and the representatives of Scheduled Caste people (A Party). The petitioner and others has no intention to oppose the proposal mooted by the respondents to accommodate the scheduled caste people, but only requested to spare the land in Survey No. 146/3 in Lathivakkam Panchayat. Therefore, the petitioner and others did not attend the peace committee meeting. However, the petitioner came to know that the respondents have decided to issue free house site patta



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to the Scheduled Caste People in respect of the land comprised in Survey No.146/3. The petitioner therefore submitted a representation dated 24.11.2022 objecting to utilise the land in Survey No.146/3 for the purpose of issuing free house site patta to the Scheduled Caste people. As the objection raised by the petitioner in the representation dated 24.11.2022 has not been considered, the petitioner is before this court with the present writ petition.

4. The learned counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of the writ petition, placed reliance on the decision of the Division Bench of this Court in the case of ***Raja Vs. The Secretary and others*** passed in W.P.No.19286 of 2021 on 02.02.2022 and submitted that the lands meant for grazing of cattle have to be permitted to be used only for such purpose and it should not be utilised for any other purpose such as providing house site etc., However, the learned counsel appearing for the Petitioner submitted that it would suffice if the Respondents are directed to consider the objections raised by the Petitioner on 24.11.2022 before issuing free house site pattas to the Scheduled Caste people in respect of the land situated at S.No.146/3 (Thoppu Poramboke) of the Latchivakkam Village, Uthukottai Taluk, Tiruvallur District, in the light of the Judgment of Division Bench of this Court dated 02.02.2022 mentioned above.



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5. The learned Special Government Pleader appearing for the respondents has no serious objection for issuing such a direction, as prayed for by the counsel for the petitioner.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the case, the second respondent is directed to consider the Petitioner's objection dated 24.11.2022, before taking a final decision in relation to allotment of house site to Scheduled Caste people in the land in Survey No.146/3 in Latchivakkam Village, afford an opportunity of hearing to the petitioner and others concerned and pass appropriate orders, on merits and in accordance with law, in the light of the Judgment of Division Bench of this Court dated 02.02.2022 made in ***W.P.No.19286 of 2021 (Raja Vs. The Secretary and others)***.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[R.M.D., J.]

[M.S.Q., J.]

03.02.2023

Index : Yes / No

Internet : Yes / No
arr/rsh

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To

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