



W.P.No.13035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13035 of 2023

K.Kasiammal

...Petitioner

Vs.

1.State of Tamil Nadu,
Rep.by the Secretary to Government,
Revenue Department,
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

3.The District Revenue Officer,
O/o. The District Collector,
Tiruvannamalai.

4.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Arani, Tiruvannamalai District.

5.The Tahsildar,
O/o. The Tahsildar,
Kalasapakkam,
Tiruvannamalai District.

..Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 5 herein to consider and dispose the Representation submitted by the petitioner dated 22.12.2022.

For Petitioner : Mrs. S.S.Jhothivani

For R1 to R5 : Mr.S.Ravichandran
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the Respondents 1 to 5 to consider and dispose of the Representation submitted by the petitioner on 22.12.2022.

2. The petitioner states that the land situated in Survey No.171/2 and Survey No.171/3 at Devarayanpalayam Village, Kalasapakkam Taluk, Tiruvannamalai District, originally belonging to Harijan Kudiyetra Nala Sangam, which was allotted to the father-in-law of the petitioner Thiru.Kandhan in the year 1984 and he was in possession and enjoyment of the said land. After his demise, the legal heirs entered into an unregistered



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partition and as per the allotment, they are in occupation of their respective shares. The petitioner states that she is in possession of about 2 acres of land. The petitioner submitted an application for grant of patta on the ground that she is a Senior citizen and in possession of the said land.

3. The land belonging to the Government and the classification of the land has not been stated by the petitioner. Mere possession would not confer any right to claim patta, for which, the petitioner is otherwise not eligible. Even an application for patta has to be submitted only under the scheme, if any in force. The Government is assigning the land and granting patta to poor homeless Adi Dravida People and if at all any such scheme is in force, then alone, the Government has to consider assigning the land in favour of the eligible persons under the scheme and by following the procedures as contemplated. There cannot be any discrimination in the matter of assignment of land to poor people for their livelihood. Equal distribution of free land amongst the Adi Dravida people under a scheme is of paramount importance in order to honour the principles of equality. Therefore it is not as if a person can possess a particular Government land and thereafter,



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submitting an application, seeking patta. Such applications cannot be considered by the competent authorities.

4. High Court cannot issue a direction to consider the representation without ascertaining the right of a person. No writ is entertainable unless a right has been established before the High Court for the purpose of granting the relief. Merely issuing a direction to consider the representation would do no service to the cause of justice. Contrarily, the litigant will be back again to the Court by way of another writ petition, which is not desirable. The authorities need not be over burdened by issuing such general directions in the absence of establishing any right by the petitioner, approaching the High Court. Thus, it is a pre-condition that a person approaching the High Court should establish his right at the first instance. Thereafter, the Court has to consider for grant of relief or otherwise.

5. That being the basic principles to be followed, the writ filed, seeking general directions to consider the representation cannot be granted in a mechanical manner by the Courts and the merits involved and the rights



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established are to be considered for the purpose of entertaining the writ petition.

6. In the present case, the petitioner has not established even a semblance of legal right for the purpose of considering the relief. If at all the patta is to be granted it is to be granted only under a scheme, if any is in force and by considering all the eligible persons, who all are waiting and longing to secure such free schemes under the free benefits under the Government schemes.

7. Therefore, the relief as such sought for is not entertainable and accordingly, the writ petition stands dismissed. No costs.

28.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes

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To

WEB COPY

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S.M.SUBRAMANIAM, J.

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