



WEB COPY



W.P.No.13750 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13750 of 2023

Chinnappan

..Petitioner

Vs.

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

2.The District Collector,
Namakkal District, Namakkal.

3.The Tahsildar, Rasipuram Taluk,
Namakkal District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus to direct the 3rd respondent herein to issue Patta to the petitioner for the lands comprised in Un-Survey Block No.-2 ad-measuring an extent of 1.20 Hectares which is situated at Naraikinaru Village, Rasipuram Taluk, Namakkal District within the time frame as fixed by this Court.

For Petitioner : Mr.D.Babu Varadharajan

For Respondents : Mr.A.M.Ayyadurai, Government Advocate



WEB COPY



W.P.No.13750 of 2023

ORDER

This writ petition has been filed for issue of a Writ of Mandamus directing the 3rd respondent to issue patta to the petitioner with respect to the subject property.

2. When the matter came up for hearing on 22.06.2023, this Court passed the following orders:

When this writ petition came up for admission on 28.04.2023, this Court brought to the notice of learned Government Advocate the earlier order that was passed in a batch of writ petitions in W.P.No.28315 of 2012 etc. batch wherein the petitioner was also one of the party and this Court based on the written instructions received, directed the Government to take a decision on the proposal that was already submitted by the District Collector, Namakkal District on 09.10.2010. This Court gave six months time for taking a decision. The relief that was sought for in those writ petitions also pertained to a request made by the petitioners therein seeking for patta. This order has not been followed up and as a result, the petitioner has filed yet another writ



WEB COPY



W.P.No.13750 of 2023

petition after eleven years seeking for the very same relief of grant of patta.

2. The written instructions that have been given by the Tahsildar, Rasipuram, shows that there has been absolutely no improvement in the situation and it is stated that the issue is in active consideration of the Government. The same status-quo cannot be maintained for eleven years and the earlier order passed by this Court should not merely remain in the paper and it has to be acted upon by the respondents.

3. When this Court expressed its mind to initiate contempt proceedings against the respondents, learned Government Advocate submitted that he will follow up with the respondents and ensure that the earlier order passed by this Court is complied with. Post this case under the caption 'for passing orders' on 28.06.2023 at 02.15 p.m.

3. Pursuant to the above order passed by this Court on 22.06.2023, the matter was posted for hearing today.



W.P.No.13750 of 2023

4. The learned Government Advocate appearing on behalf of the respondents produced the written instructions received from the District Collector, Namakkal along with the proceedings of the District Collector dated 30.07.2014.

5. On carefully going through the proceedings dated 30.07.2014, it is seen that the request made by the petitioner seeking for patta has been rejected by the District Collector. A copy of the same was also furnished to the learned counsel for the petitioner.

6. The learned counsel for the petitioner submitted that the proceedings were never served on the petitioner and the petitioner was not aware of the same. In reply to the same, the learned Government Advocate submitted that the petitioner has been served with this order and also produced the acknowledgement card.

7. In the light of the above development, the relief that has been sought for in this writ petition cannot be granted by this Court. The petitioner has to necessarily challenge the proceedings of the District



W.P.No.13750 of 2023

Collector dated 30.07.2014. Liberty is also granted to the petitioner to challenge the same.

8. This writ petition is disposed of in the above terms. No costs.

28.06.2023

dsa
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order/ Non-speaking order

To:-

- 1.The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.
- 2.The District Collector,
Namakkal District, Namakkal.
- 3.The Tahsildar, Rasipuram Taluk,
Namakkal District.



WEB COPY



W.P.No.13750 of 2023

N.ANAND VENKATESH, J.

dsa

W.P.No.13750 of 2023

28.06.2023