



WEB COPY

W.P.No.26054 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26054 of 2023

A. Abinaya

... Petitioner

Vs.

1. The District Revenue Officer
Office of the Collectorate,
Dharmapuri,
Dharmapuri District.

2. The Revenue Divisional Officer,
Office of RDO,
Harur,
Dharmapuri District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to pass orders and dispose the petitioner's Appeal dated 20.06.2023, on the line of orders and circulars issued by the Commissioner of Land Administration and the Director of National Commission for Scheduled Caste, and based on the judgement passed by the Hon'ble High Court in W.A.624 of 1998 dated 22.01.1991 and also order passed by the Hon'ble Supreme Court of India in C.A No.6741, 6742 and 6743 of 2012 dated 20.09.2012.



For Petitioner : Mr.S. Arokiamaniraj
For Respondents : Mr.T.Arunkumar
Additional Government Pleader

ORDER

The Writ of Mandamus has been instituted to direct the first respondent to pass orders and dispose the petitioner's Appeal dated 20.06.2023, on the line of orders and circulars issued by the Commissioner of Land Administration and the Director of National Commission for Scheduled Caste, and based on the judgement passed by this Court in W.A.624 of 1998 dated 22.01.1991 and also order passed by the Hon'ble Supreme Court of India in C.A Nos.6741, 6742 and 6743 of 2012 dated 20.09.2012.

2. The petitioner submitted an application for grant of patta for the DC lands under RSO.15(1). The said application submitted by the petitioner was adjudicated by the Revenue Divisional officer, who in turn, rejected the application mainly on the ground that, a review petition is pending before High Court of Madras in respect of the counter claims made by other persons.

3. When litigations are pending before the High Court, the Revenue



Divisional officer or the District Revenue Officer may not be in a position to consider the application for grant of patta in respect of DC lands. Thus, the petitioner has to initiate steps to dispose of the litigation for the purpose of considering her application or appeal, as the case may be.

4. Merely directing the District Revenue officer to dispose the appeal would do no service to the cause of justice, since the District Revenue Officer also during the pendency of the litigation cannot grant patta in favour of the petitioner. Thus, the direction if at all issued would be a futile exercise and therefore, the petitioner is at liberty to submit an application after disposal of the litigations and on reaching finality in respect of the disputes raised between the parties. After disposal of the litigations, if any application is filed, the said application is to be decided on merits and in accordance with law.

5. Accordingly, this Writ Petition stands disposed of. No costs.

05.09.2023

nl/shl



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Index : Yes/No
Speaking order/Non Speaking Order
Neutral Citation: Yes/No

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