



W.P.No.34496 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34496 of 2022

Tamil Nadu People Service Trust,
rep. by its Founder K.Nataraj,
Airport Colony,
Kamalapuram Post,
Omalur Taluk,
Salem District-636 309.

.. Petitioner

Vs

1.The District Collector,
O/o. The District Collector,
Salem District,
Salem.

2.The Sub Collector,
O/o. The Sub Collector,
Mettur,
Salem District.

3.The Tahsildar,
Kadaiyanpatti Taluk Office,
Salem District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent



W.P.No.34496 of 2022

to remove the encroachers which is situated in Survey No.120, New Survey No.239/2 in Patta No.142 to the extent of 2 acres and 63 cents of Pudhur area, Dharapuram village, Kadaiyampatti Taluk, Salem District and direct the third respondent to issue patta stands in the name of the petitioner trust and land less persons who belonged to Adidraavidars community based on the representations of the petitioner dated 27.09.2022 and 14.10.2022.

For the Petitioner : Mr.M.Senthil Kumar

For the Respondents : Mr.P.Balathandayutham
Spl. Government Pleader

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Tamil Nadu People Service Trust, represented by its Founder K.Nataraj, son of Kuppan, a resident of Airport Colony, Kamalapuram Post, Omalur Taluk, Salem District, has filed this writ petition for issuance of a writ of mandamus directing the first respondent to remove the encroachers in Survey No.120, new Survey No.239/2 (Patta No.142) measuring an extent of 2.63 acres situated in Pudhur area, Dharapuram Village, Kadaiyampatti Taluk, Salem District and to direct the third respondent to issue patta in the name of the petitioner's trust and landless persons belong to



W.P.No.34496 of 2022

Adi-dravida community based on the representations of the petitioner dated 27.9.2022 and 14.10.2022.

2. Learned counsel for the petitioner submitted that originally the land covered in Survey No.120, new Survey No.239/2 measuring an extent of 2 acre 63 cents situated in Pudhur area, Dharapuram Village, Kadaiyampatti Taluk was allotted under SC/ST Land Assignment Condition to the beneficiaries, who were in the lower strata of the society. He would submit that in the year 1931, one Kathan son of Selavandipalavan, who belongs to Scheduled Caste community, had purchased the said land from one Veerammal and the said Kathan died without any surviving legal heir. While so, some of the persons have encroached upon the said land. Therefore, the petitioner has given a representation dated 27.9.2022 to the respondent authorities requesting to provide the said land to the petitioner for forming an old-age home for the welfare of the senior citizens and Adi-dravidar community people. Since the respondent authorities have not taken any action on the representation of the petitioner, on 14.10.2022, on behalf of the



W.P.No.34496 of 2022

landless poor, the petitioner submitted another representation to the respondent authorities. Despite receipt of the representations, the respondent authorities have not taken any action. Hence, the petitioner has been advised to file the present writ petition.

3. Learned Special Government Pleader appearing for the respondents, placing on record the written instructions dated 14.12.2022 received from the Tahsildar, Kadaiyampatti, submitted that insofar the first prayer of the petitioner – for removal of encroachers from Survey No.120, new Survey No.239/2 measuring an extent of 2.63 acres – is concerned, the Tahsildar, Kadaiyampatti has already addressed a communication to the Sub-Collector, Mettur to reclassify the said land as “Tharisu”, as Kathan died without any surviving legal heir. With regard to the second prayer – to direct the third respondent to issue patta in the name of the petitioner trust and landless persons belonging to Adi-dravida community – learned Special Government Pleader submitted that the said prayer cannot be acceded to for the reason that the petitioner trust does not have any such right to seek for patta.



W.P.No.34496 of 2022

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4. According to the respondent authorities, the land in question has been reclassified as "Tharisu" and now nobody is in possession and enjoyment of the same. Therefore, there is no question of removal of encroachers from the said land as sought by the petitioner. Since the land in question has now been reclassified as "Tharisu", no direction can be issued to third respondent to issue patta in the name of the petitioner trust or the landless persons. We find no justification in entertaining the writ petition and the same fails.

Accordingly, the writ petition is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
17.03.2023

Index : Yes/No
Neutral Citation : Yes/No
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W.P.No.34496 of 2022

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