



W.P.(MD) No.5486 of 2020 etc., batch

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.5486, 5487, 5489, 5490, 5491, 5492,
5493, 5494, 5495, 5496, 5497 and 5498 of 2020

W.P.(MD) No.5486 of 2020

Amutha

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep., by its Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St., George, Chennai-600 009.
- 2.The District Collector,
Pudukkottai District,
Pudukkottai.
- 3.The District Adi-Dravidar Welfare Officer,
District Collectorate,
Pudukkottai.
- 4.The Special Tahsildar (Land Acquisition),
Adi Dravidar Welfare, Aranthaangi,
Pudukkottai District.
- 5.The District Revenue Officer,
District Collectorate, Pudukkottai.



W.P.(MD) No.5486 of 2020 etc., batch

6. The Surveyor,
Karambakudi Taluk,
Pudukkottai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 11.11.2019 and to take necessary steps to identify, measure and mark the boundaries of the petitioner's property in land in Survey No. 65/3A, 65/4, 65/5A and 65/6A of Karambakudi, Karambakudi Taluk, Pudukkottai District and subdivide the same and issue separate patta.

In all cases

For Petitioner : Mr.M.Pandiarajan

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

COMMON ORDER

The above writ petitions have been filed by the petitioners herein seeking a mandamus to the respondents to consider their representations dated 11.11.2019, take steps to identify, measure and mark the boundaries of the petitioners' property in S.Nos.65/3A, 65/4, 65/5A and 65/6A of Karambakudi Village, Pudukkottai District, subdivide the same and issue separate pattas.



W.P.(MD) No.5486 of 2020 etc., batch

WEB COPY

2. The brief facts, which have prompted the petitioners in these respective petitions to approach this Court, are as follows:

It is their case that they belong to Adi Dravidar Community and besides the petitioners' families, there are 200 other families belonging to the same community living in the same locality in rented and temporary houses. In the year 1993, the Adi Dravidar Welfare Department of the Government of Tamil Nadu had announced a scheme for providing house site patta to the landless Adi Dravidar. Under the scheme, three cents were proposed to be allotted to each of such landless families. The third and fourth respondents were appointed as the authorities for implementing the above scheme and the fifth respondent was to identify the lands for acquisition and thereafter, take steps for acquiring the land. Under the Government Order, these authorities were also given a freehand to conduct private negotiations for acquiring the lands. Thereafter, a list was to be prepared and forwarded to the second respondent. In keeping with the scheme of the Government Order, the Adi Dravidar Tribal and Welfare Department had identified the petitioners and two others as persons eligible for the scheme. Lands



W.P.(MD) No.5486 of 2020 etc., batch

were allotted to them and the fourth respondent had issued necessary orders handing over possession under an order dated 05.03.1993. The lands that had been acquired for this purpose were comprised in S.Nos.65/3A, 65/4, 65/5A and 65/6A. However, no steps were taken to measure each of these plots, identify and demarcate the boundaries of the lands to the beneficiaries. The petitioners and similarly placed persons had made several representations to the respondents to identify, demarcate and measure the lands. However, the respondents did not take any proactive step in this regard.

3. Meanwhile, one Gunasekaran had made an application dated 23.08.2018 under the Right to Information Act to the fourth respondent seeking the details of the beneficiaries, the lands allotted to them and persons in whose name the patta stood. The fourth respondent had sent a reply on 14.09.2018 stating that the lands in S.Nos.65/3A, 65/4, 65/5A and 65/6A were allotted to the petitioners and others and joint patta had been issued to them. However, since each of these properties have not been individually demarcated, measured and identified, strangers are



W.P.(MD) No.5486 of 2020 etc., batch

attempting to trespass into the properties causing a great deal of apprehension to the petitioners and others. Therefore, they have come forward with the present writ petitions.

4. Heard the learned counsel on either side.

5. The learned Special Government Pleader appearing for the respondents submitted a letter dated 15.07.2020 issued by the Tahsildar, Karambakudi, to the Special Tahsildar, Adi Dravidar and Tribal Welfare Department, Aranthangi, which is a correspondence and response to the filing of these writ petitions in which he has stated that patta has been issued to 15 persons, but however, they have not constructed a house till date, but however, they are residing in different survey numbers where they have put up construction. This factum has been denied by the learned counsel for the petitioners.

6. Be that as it may, considering the fact that the allotment has been made to the petitioners, the respondents shall take steps to measure



W.P.(MD) No.5486 of 2020 etc., batch

the properties that have been allotted to these petitioners, identify the same with boundaries and thereafter, proceed to issue patta following due process of law.

7. Considering the submission that has been made by the learned Government Advocate before this Court, the petitioners shall submit written representation to the fourth respondent, who shall consider the same and pass orders for demarcating the orders. The said exercise of demarcating and issuing patta shall be done within a period of one month from the date on which the petitioners submit their written representation.

8. With the above observations and directions, these writ petitions are disposed of. No costs.

24.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



WEB COPY



W.P.(MD) No.5486 of 2020 etc., batch

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Fort St., George, Chennai-600 009.
- 2.The District Collector,
Pudukkottai District,
Pudukkottai.
- 3.The District Adi-Dravidar Welfare Officer,
District Collectorate,
Pudukkottai.
- 4.The Special Tahsildar (Land Acquisition),
Adi Dravidar Welfare, Aranthaangi,
Pudukkottai District.
- 5.The District Revenue Officer,
District Collectorate, Pudukkottai.
- 6.The Surveyor,
Karambakudi Taluk,
Pudukkottai District.



WEB COPY



W.P.(MD) No.5486 of 2020 etc., batch

P.T.ASHA, J.

abr

**W.P.(MD) Nos.5486, 5487, 5489,
5490, 5491, 5492, 5493, 5494, 5495,
5496, 5497 and 5498 of 2020**

Dated: 24.03.2023