



W.P(MD)Nos.8617 to 8626 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)Nos.8617 to 8626 of 2023

W.P(MD)No.8617 of 2023

P.Sathyaraj

... Petitioner

Vs.

- 1.The District Collector
O/o. District Collector Office,
Tiruchirapalli District.
- 2.The District Revenue Officer
O/o.District Revenue Office,
Tiruchirapalli District.
- 3.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Trichy.
- 4.The Thasildar
Thasildhar Office,
Duraiyur,
Tiruchirapalli District.

... Respondents



W.P(MD)Nos.8617 to 8626 of 2023

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to issue patta pursuant to the petitioner representation dated 02.01.2023.

In all Writ Petitions

For Petitioners : Mr.R.Thirumoorthy

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader

COMMON ORDER

Heard Mr.R.Thirumoorthy, learned Counsel on behalf of the petitioners herein, Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents.

2. Arguments are advanced with respect to all the Writ petitions and the learned Special Government Pleader, also had instructions in common, with respect to the averments made. Therefore, a common order is passed in all the writ petitions.



W.P(MD)Nos.8617 to 8626 of 2023

3. Let me take as an illustration the facts in W.P.(MD) No.8617 of 2023, P.Sathyaraj Vs. The District Collector, Thiruchirappali District and three others.

4. This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the respondents to issue patta consequent to the representation, dated 02.01.2023.

5. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner belongs to Scheduled Tribe community and doing agriculture. The land for which patta is sought has been in the possession of the forefathers of the petitioner. However, the fourth respondent / Tahsildar, Trichy District, had been trying to dispossess the petitioner herein. It is under those circumstances, claiming that the land should be allotted to the Scheduled Tribes under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the petitioner had given a representation seeking issuance of patta.



W.P(MD)Nos.8617 to 8626 of 2023

6. In all the writ petitions, the same averments have been made.

7. The learned Special Government Pleader who had taken notice on behalf of the respondents and stated that the land for which the petitioners seek patta has been classified as unassessed dry lands.

8. Be that as it may, since the petitioners have been in continuous possession for quite number of years from their father and grandfather period, it would only be appropriate that the first respondent / District Collector, issue notice to the petitioners since they particularly also say that they belong to Scheduled Tribes Community and they are doing agriculture. The first respondent may issue such notice, examine the nature of the lands held by the petitioners, examine the purpose for which the lands are said to be now required by the respondents and thereafter, pass necessary orders with reasons.

9. The petitioners are also permitted to produce documents relating to doing agricultural in the said land. Examining all these



W.P(MD)Nos.8617 to 8626 of 2023

records, the first respondent may pass necessary orders. The entire exercise must be completed within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above directions, the Writ Petitions stand disposed of. No costs.

06.06.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
RM



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C.V.KARTHIKEYAN, J.

RM

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