



W.P(MD)No.21669 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21669 of 2015

A.Kulandaivel

... Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Revenue Officer,
Dindigul District,
Dindigul.

3.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

4.The Tahsildar,
Natham Taluk Office,
Natham,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to issue the Possessionary patta in favour of the petitioner in Survey No.143, Linagavadi Village, Natham Taluk, Dindigul District.



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For Petitioner : Mr.G.Gomathi Sankar
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner claims that he is in possession of the petition mentioned land. He wants the authorities to recognise his possession and assign the land to him. This writ petition was filed way back in the year 2015.

3. When the matter was taken up for final disposal, I wanted to know whether the jurisdictional Tahsildar has disposed of the petitioner's request.

4. When the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents produced a copy of the order rejecting the petitioner's request. I may tentatively observe that whether the petitioner can be considered as a landless labour will have to be answered in the light of the definition found in RSO 15. It reads as follows:

“Landless Persons” means a person who owns a total extent of less than 1.21.5 hectares of land, if dry, or a total extent of less than 60.5 areas, if wet....”



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The respondents also cannot claim because the scheme has been closed, the matter has become infructuous. The petitioner filed this writ petition way back in the year 2015. During the relevant time, the scheme of assigning two acres in favour of poor agriculturists was in force. The petitioner's right will have to be determined with reference to the position that prevailed on the date when the writ was filed.

5. Be that as it may, in as much as rejection order has been passed, the petitioner may question the same in the manner known to law. Granting liberty to the petitioner to challenge the rejection order, this writ petition is disposed of. There shall be no order as to costs.

14.08.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The District Collector,
Dindigul District, Dindigul.

2.The District Revenue Officer,
Dindigul District,
Dindigul.



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MGA

3.The Revenue Divisional Officer,
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