



W.P(MD)Nos.5616 & 5234 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.02.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) Nos.5616 & 5234 of 2016 and
WMP(MD) Nos.4690, 5042 & 5043 of 2016

1.P.A.Sugumaran
2.P.A.Radha Krishnan
3.P.Narayan

Petitioners
in WP(MD)No.5616/2016

K.R.Suresh

Petitioner
in WP(MD)No.5234/2016

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Ananthagiri,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

Respondents in both WPs



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PRAYER in WP(MD)No.5616 of 2016: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in O.Mu.No.8187/2015/A2, dated 18.11.2015 on the file of the third respondent and quash the same as illegal and consequently direct the third respondent to grant patta to the petitioner for the lands in S.No.12 to an extent of 3 acres in Vadagaunchi Village, Kodaikanal Taluk, Dindigul District, within the time frame stipulated by this Court.

PRAYER in WP(MD)No.5234 of 2016: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to grant patta to the petitioner for the lands in S.No.12 to an extent of 3 acres in Vadagaunchi Village, Kodaikanal Taluk, Dindigul District, within the time frame stipulated by this Court.

For Petitioners :Mr.S.Rajasekar
For Respondents :Mr.A.Kannan
Additional Government Pleader
(In both WPs)

COMMON ORDER

W.P(MD)No.5616 of 2016 is filed as against the order of the third respondent in O.Mu.No.8187/2015/A2, dated 18.11.2015



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and for a consequential direction to the respondent No.3 to grant patta to the petitioner for the lands in Survey No.12 to an extent of 3 acres in Vadagaunchi Village, Kodaikanal Taluk, Dindigul District.

2.W.P(MD)No.5234 of 2016 is filed for a Mandamus, directing the third respondent to grant patta in favour of the petitioner for the lands in Survey No.12 to an extent of 3 acres in Vadagaunchi Village, Kodaikanal Taluk, Dindigul District.

3.Since the issue involved in these writ petitions are interlinked, these writ petitions are taken up together for disposal by way of this common order.

4.The learned counsel appearing for the petitioners submits that the petitioners are in occupation of the lands in S.No.12 and cultivating those lands for over a period of 50 years and hence they are entitled for patta. The third respondent/ Tahsildar has also made a recommendation for grant of patta to the petitioners. While



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so, the Government has issued a Government Order in G.O.1168, Revenue Department, dated 25.07.1989, prohibiting the Tahsildar from granting any patta in the hill areas and by referring the Government Order, the respondents are now denying the patta, eventhough the Tahsildar has already made recommendation. The learned counsel appearing for the petitioners has also relied on the similar order passed by this Court in W.P.No.34277 of 2002 to substantiate his contentions.

5.The learned Additional Government Pleader appearing for the respondents by referring the Government order in G.O.Ms.No.1168, Revenue Department, dated 25.07.1989 submits that the subject lands are the prime property of Kodaikanal Town and as per the above Government order, the concerned authorities are prohibited from granting any patta for the properties in hill areas. A copy of the above Government order is also produced before this Court.



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6.Heard the learned counsel on either side and perused the materials placed on record.

7.Perusal of the above Government Order reveals that there are 72,690.98 acres of Government Poramboke lands in Nilgiris, out of which, 278.10 acres are occupied by the schedule tribes. In order to prevent soil erosion and preserve the environment ecology, the Government has appointed a High Level Committee to regularize and preserve the Government lands. Moreover, a direction has been issued to all the authorities concerned not to grant any patta pending the report of High level Committee.

8.In view of the above, this Court is not inclined to interfere with the order of the third respondent. However, the petitioners are at liberty to work out their remedy in the manner known to law.



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9. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected Miscellaneous Petition are closed.

28.02.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To

1. The District Collector,
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Dindigul.

2. The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
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Kodaikanal,
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B.PUGALENDHI, J

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Common Order made in
W.P(MD) Nos.5616 & 5234 of 2016 and
WMP(MD) Nos.4690, 5042 & 5043 of 2016

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