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W.P.No.7414 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.03.2024

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.7414 of 2014

1. S.Prabakaran (died)
2. Bhuvaneswari
3. Vineshprabhu
4. Ragavendiran

(P2 to P4 substituted as LR's of deceased sole petitioner vide order of this Court dated 04.09.2023 in W.M.P.No.25393/2023)

... Petitioners

Versus

1. The Tahsildar,
Office of the Tahsildar,
Ambur, Vellore District – 635 802
2. The Special Tahsildar,
(Town Survey),
Ambur, Vellore District – 635 802.
3. The Special Tahsildar,
Adi Dravidar and Tribal Welfare Department,
Thirupattur, North Arcot District.

(R3 impleaded vide order of this Court dated 03.02.2020 in W.M.P.No.2356/2020)

...Respondents



WP.No.7414 of 2014

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondents to forthwith issue patta to the petitioner for his property measuring 21 cents, comprised in T.S.No.5/10C, Ward No.E, Block No.3, situated at Sanankuppam, Ambur, Vellore District, by considering and passing orders on the application of the petitioner dated 08.02.2014 within stipulated time.

For Petitioners : Mr.V.Ramamoorthy for
M/s.K.T.S.Sivakumar

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondents to issue patta to the petitioner for his property measuring 21 cents, comprised in T.S.No.5/10C, Ward No.E, Block No.3, situated at Sanankuppam, Ambur, Vellore District, by considering and passing orders on the application of the petitioner dated 08.02.2014.

2 Learned counsel appearing for the petitioners would submit that even though land acquisition proceedings were initiated to acquire the petitioners' land by issuing notification under Section 4(1) of the Land



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Acquisition Act, 1984, in G.O.Ms.No.(3D), Adi Dravidar and Tribal Welfare

Department dated 02.04.1993, since the deceased first petitioner challenged the same, this Court quashed the entire acquisition proceedings vide its order dated 23.04.2001 in W.P.No.15901 of 1994 giving liberty to the respondents to proceed the matter afresh. Thereafter the respondents have not initiated any fresh proceedings and hence the petitioner submitted an application to the first respondent to issue patta and the first respondent sent proceedings dated 13.02.2014 to the second respondent directing him to issue patta in favour of the petitioner. But till date no action was taken by the second respondent and hence the present writ petition.

3 Learned Additional Government Pleader appearing for the respondents would submit that even prior to the writ petition, the land was acquired and possession was taken and allotted to the beneficiaries and subsequently they have also utilised the land. Now superstructure also put up by many of the beneficiaries and patta granted in their favour and hence patta cannot be granted in favour of the petitioner.

4 Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents.



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It is seen that even though the land acquisition proceedings were initiated under the Land Acquisition Act, subsequently the same was quashed by this Court on 23.04.2001 on the technical ground, but however granted liberty to the respondents to go with fresh proceedings. But, as contended by the learned counsel for the writ petitioners, the respondents have not gone for fresh proceeding and now third party interest has been created and beneficiaries have taken the land and constructed superstructure and residing there. Under these circumstances, this Court is not inclined to grant any relief of issue of patta in favour of the petitioner. But, however, the petitioner is at liberty to workout his remedy before the appropriate authority for compensation.

6 With the above directions, the writ petition shall stand disposed of.

No costs.

04.03.2024

Index: Yes/No
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P.VELMURUGAN, J.,

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