



W.P.No.19384 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.12.2024

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.19384 of 2024

N.Kasi

... Petitioner

Vs

1.The District Collector,
Dharmapuri District.

2.The District Revenue Officer,
Dharmapuri District.

3.The Revenue Divisional Officer,
Dharmapuri District.

4.The Tahsildar,
Nallampalli Taluk,
Dharmapuri District.

5.The Village Administrative Officer,
Balajangamanahalli Village,
Nallampalli Taluk,
Dharmapuri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of



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India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent through his proceedings in Na.Ka.No.5915/2022/D2, dated 11.05.2022 and quash the same and consequently directing the respondents to issue Ryotwari patta for the agriculture lands in survey no.278/2 of an extent of 1.6 acres situated at Balajangamanahalli Village, Nallampalli, Dharmapuri District.

For Petitioner : M/s.Krishnasamy Chinnasamy
For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

Challenging the impugned order passed by the 2nd respondent and consequently seeking to issue Ryotwari Patta in his favour, the petitioner is before this Court.

2. It is the case of the petitioner that 50 years ago, his grand father had come to Balajangamanahalli Village, Nallampalli, Dharmapuri District and he had come to eke out his livelihood. He had started cultivating and doing agricultural activities in the land



measuring 1 acre 6 cents in Survey No.278 / 2 of the aforesaid village.

After his demise, the petitioner's father continued and thereafter, the petitioner and his two brothers were in possession and enjoyment of the said land. The petitioner would submit that they have been cultivating in the said land. While so, the land in question was found to be earmarked as "Anadeenam" property in the A-Register. As per the Revenue Standing Order 15, it is well within the power of the Government to assign the above said lands to the landless poor and those who can prove long possession to assert title by adverse possession. The petitioner would submit that since his predecessors in title have been in possession of the land for over so many years, application was given by the petitioner for grant of patta.

3. The petitioner would submit that they have taken pains to develop the land and make it cultivable and they also have put up three houses which are assessed to property tax. The petitioner's request for assignment has been turn down by the impugned order.



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4. Heard the learned counsels on either side.

5. The reasons based on which the 2nd respondent / District Revenue Officer had passed the impugned order, is on the ground that the land in respect of assignment has been described as temple land, as there are two temples namely Vinayagar temple and Nagar temple.

6. After considering that the lands belong to the temple, to an extent of 60 cents, the remaining extent has been assessed as waste land. In the said waste land, one Kasi has constructed a tiled house and Gopal's son Nanjappan has put up asbestos sheet roofed house and the petitioner's mother owns 0.64.5 ares of land elsewhere.

7. The learned Additional Government Pleader had produced the communication dated 22.08.2024 received by them from the District Revenue Officer, wherein, he has stated that the petitioner's mother



Govindammal has been assigned with patta to an extent of 0.64.50 ares (under the two acres scheme) of lands comprised in Survey No.294/6, patta No.286 for land comprised in Survey No.278/1G measuring an extent of 1.02.5 hectares, Survey No.278/1B measuring an extent of 0.16.5 hectares, Survey No.278/1J measuring an extent of 0.14.5 hectares, totalling 1.33.5 hectares was also granted to his grand father Gopal in Patta No.286. The District Revenue Officer had also stated that between the petitioner's mother Govindammal, grandmother Govindammal and his grandfather Gopal, a total extent of 3.05.00 hectares was available.

8. It has been stated as per Revenue Standing Order No.15(3), if one family member owns land, such person is not entitled for patta under the landless poor scheme. In the instant case the petitioner's mother and both grand parents have been assigned lands. Therefore, considering the above factors, I see no infirmity with the order passed by the 2nd respondent, the same is confirmed and consequently this writ



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petition is dismissed. There shall be no order as to costs.

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Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

ssn

P.T.ASHA, J.,

ssn

To

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