



W.P.No.28850 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.28850 of 2024

K.Venkatesh

...Petitioner

Vs.

1.The District Collector
Krishnagiri District
Krishnagiri.

2.The Tahsildar
Adi Dravidar Welfare
Soolagiri Taluk
Krishnagiri District.

3.Rani
4.Manjula
5.Akkaiyamma
6.Kemmamma
7.R.Padma
8.Krishnamma
9.Giriyamma
10.Chinnamma
11.Rammakka
12.Sembamma
13.Jayamma
14.Dhairamma
15.Munirathna
16.Periyamunirathnamma



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17.Neelamma
18.Maramma
19.Jeyamma
20.Padma

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider the representation given by the petitioner dated 19.08.2024 to cancel the patta issued in favour of 3 to 20 respondents in respect of the property bearing survey No.12/2 in Senamavo Village & Post Sollagiri Taluk, Krishnagiri District, with an extent of 2.75 acres.

For Petitioner : Mr.A.K.R.Ravi

For Respondent : Mr.A.Selvendran for R1 & R2
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the first respondent to consider his representation dated 19.08.2024 to cancel the patta issued in favour of the respondents 3 to 20 in respect of the property in S.No.12/2 at Senemavo Village, Hosur Taluk (Now Soolagiri) Krishnagiri District, with an extent of 2 acres 75 cents.



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2. It is the case of the petitioner the above mentioned land was acquired under Tamil Nadu Act 31/1978, for distribution of house sites in favour of persons belonging to Schedule Castes and Schedule Tribes. It is the case of the petitioner that, challenging the land acquisition proceedings, the petitioner moved this Court by way of writ petition and a learned Single Judge allowed the Writ Petition. However, an appeal was filed by the Government and the order passed by the Single Judge was set aside. Thereafter, the petitioner filed a Writ Petition seeking declaration that the land acquisition proceedings which had taken place in the year 1999 had been lapsed. The said Writ Petition admittedly is pending before this Court.

3. In the meantime the petitioner submitted a representation before the official respondents seeking cancellation of patta issued in favour of the respondents 3 to 20. It is seen from the averments filed in support of the affidavit that after acquisition of land from the petitioner, the property was distributed in favour of the respondents 3 to 20 by the Government. It is also stated by the petitioner that the respondents 3 to 12 are affluent persons who are ineligible to get free house patta.



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4. Admittedly the petitioner is the owner of the land which was acquired by the Government under Tamil Nadu Act 31/1978, for distribution of free house site to poor persons belonging to Schedule Castes and Schedule Tribes. The petitioner is not a person who is eligible to apply for patta in respect of the land acquired under the Act 31/1978. Therefore, the petitioner has no locus to question the grant of patta in favour of the respondents 3 to 20. Only poor persons belonging to Schedule Castes and Schedule Tribes are eligible to apply for patta and only those eligible persons are entitled to question the allotment made in favour of the respondents 3 to 20. Admittedly, the petitioner filed a Writ Petition seeking declaration regarding alleged lapse of land acquisition proceedings initiated against his property and the same is pending and accordingly, this Writ Petition seeking cancellation of patta issued in favour of the private respondents cannot be maintained at this stage.

5. Accordingly, this Writ Petition is dismissed. No costs.

27.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna



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WEB COPY

To

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Krishnagiri District
Krishnagiri.

2.The Tahsildar
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S.SOUNTHAR, J.
dna

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