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W.P.No.32127 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.32127 of 2024

and

W.M.P.Nos.34890 and 34892 of 2024

Mr.Baskaran

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Department of Adi Dravidar and Social Welfare,
Secretariat,
Chennai – 600 009.

2. The District Collector,
Erode District, Erode.

3. The Special Tahsildar,
Adi Dravidar Welfare,
Sathyamangalam,
Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.01/2024/Aa dated 19.08.2024 and quash the same as illegal and consequently directing the 1st and 2nd respondents to grant patta for the



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petitioner in Banakkahalli Harijan Colony, Sathamangalam Taluk, Erode District in respect of the lands measuring an extent of 1.57.0 hectares in S.F.No.121/6A or Banakkahalli Village in Sathyamangalam, Erode District.

For Petitioner : Mr.R.Ezhilarasan

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This Writ Petition has been filed for a Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.01/2024/Aa dated 19.08.2024 and quash the same as illegal and consequently directing the 1st and 2nd respondents to grant patta for the petitioner in Banakkahalli Harijan Colony, Sathamangalam Taluk, Erode District in respect of the lands measuring an extent of 1.57.0 hectares in S.F.No.121/6A of Banakkahalli Village in Sathyamangalam, Erode District.



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2. The Petitioner and his family members have been engaging in the agricultural activities for over six (6) decades in the land comprised in S.F.No.121/6A of Banakkahalli Village, Sathyamangalam, Erode District, measuring to an extent of 1.57.0 Hectares. The Respondents had initiated acquisition proceedings for acquiring the aforesaid extent of lands to provide House Sites to the Petitioner and the people of Harijan Colony.

3. Originally the land was a Government poramboke land as per the entries made in the revenue records. Necessary changes have been made classifying the lands as Harijan Natham by Order dated 07.03.1981 in TK/8A/27/90. Therefore, the Petitioner would submit that they had sent a representation requesting the authorities to issue Patta in the name of their legal representatives, however, there was no response. The people in the locality had formed an association in the name of “Banakkahalli Dr.Ambedkar Sangam”. This Sangam filed W.P.No.6963 of 2011 before this Court. This Court by an Order dated 23.03.2011 had dismissed the Writ Petition on the ground that the relief sought for by the association is not



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maintainable and each individual have to make a separate representation.

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4. The Petitioner has therefore submitted a representation along with the other land owners to the authorities to consider the representation and pass orders. Since orders were not passed, the Petitioner had filed W.P.No.15508 of 2024 for a direction to issue Patta. This Court by Order dated 21.06.2024 had directed the respondents to consider the request of the Petitioner's representation on behalf of the letter dated 08.01.2024 and pass orders on merits. The Petitioner would submit that the 3rd Respondent had conducted an enquiry and rejected the request. Therefore the Petitioner is before this Court.

5. Mr.A.Selvendran, learned Special Government Pleader for the Respondents would submit that the Petitioner has suppressed the findings in W.P.No.23645 of 2009, which was filed by one Mallikamma and two others seeking a Mandamus to quash the Order dated 17.09.2008 and 18.09.2008 passed by the 3rd Respondent and direct the Respondent to make corrections in the revenue records and restore the petitioner's name with reference to the



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lands in S.No.121/6A. By an Order dated 01.10.2012, this Court had allowed

the Writ Petition with the following directions:-

“12. If the land is classified as Adi Dravidar natham, there was no question of any acquisition. More over, the learned Special Government Pleader produced a communication bearing O.M.No.163/2010/A2 dated 22.02.2010 issued by the Sub Treasury Officer, Sathyamangalam to the Special Tahsildar, Adi Dravidar Welfare. In the said communication, the Sub-Treasury Officer has confirmed that in so far as the land in S.F.No.121/6A is concerned, no amount was deposited in the Sub-Treasury towards any compensation, relating to Award No.4 of 1981. The Sub-Treasury Officer has confirmed that no amount towards compensation was deposited during the period 1981-2009. Therefore, this is an indication that the land of the petitioners was not subjected to acquisition. Hence, the Impugned Orders are liable to be set aside.

13. Accordingly, the writ petition is allowed, the impugned orders are set aside and the respondents are directed to restores the names of the petitioners in the revenue records, in reason of the land in S.F.No.121/6A, in the event of the Respondent training of coming across and notification by which Thalaivadi had already been subjected to acquisition, it is open to the respondents to seek a review of this order. Since I have directed restoration of the names of the petitioners in the revenue records, all proceedings taken by the respondents for the issue of patta as though the land was acquired, shall stand annulled. No



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costs. Consequently, the above MPs are closed.”

6. This has been totally suppressed by the Petitioner. Therefore, in the light of the Order passed by this Court in W.P.No.23645 of 2009 dated 01.10.2012, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
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To

1. The Secretary to Government,
The Government of Tamil Nadu,
Department of Adi Dravidar and Social Welfare,
Secretariat,
Chennai – 600 009.
2. The District Collector,
Erode District, Erode.
3. The Special Tahsildar,
Adi Dravidar Welfare,
Sathyamangalam,
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