



WP.No.36874 of 2024

In the High Court of Judicature at Madras

Dated : 11.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36874 of 2024

A.Nithyanandam

...Petitioner

Vs

1.The District Collector,
Salem, Salem District.

2.The Assistant Commissioner,
Urban Land Tax, Salem.

3.The Tahsildar, West Salem,
Salem District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to issue patta to the petitioner in respect of a land and house property measuring 4,314 sq.ft. comprised in Survey No.129/5, Aandipatti, Sivadhapuram Village (Corporation Division No. 22), Salem Taluk, Salem District as per the order dated 30.12.1998 under proceedings No.N.R.9/90 (aa-1) of the third respondent, based on the representation dated 19.7.2023 sent by the petitioner.

For Petitioner : Mr.C.D.Sugumar



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For Respondents : Mr.P.Sathish, AGP

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ORDER

Seeking a Mandamus to the third respondent to consider his representation dated 19.7.2023 to issue patta in respect of the land and house property measuring 4,314 sq.ft. comprised in Survey No. 129/5, Aandipatti, Sivadhapuram Village (Corporation Division No. 22), Salem Taluk, Salem District as per the order dated 30.12.1998 under proceedings with No.N.R.9/90 (aa-1) of the second respondent, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The petitioner would contend that he belongs to Adi Dravidar community and has been residing in the said property by constructing a house along with other Adi Dravidar people. The petitioner has been paying house tax and obtained an electricity service connection. He has also obtained aadhar card and voter identity card, etc. During the year 1990, the second respondent initiated proceedings on the ground that the landed property measuring 4,413 sq.meter in S.No.129/5 belonged to one Mr.Kanda Gounder, that the total extent that was allotted to his family members was 1,500 sq.meters and that the



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remaining area where the petitioner and other adi dravidar people were residing, was treated as excess land of the said Mr.Kanda Gounder. The Government acquired the same stating that the excess land came within S.No.129/5A and passed appropriate orders on 11.9.1991.

4. As against the said order dated 11.9.1991 passed by the second respondent, the petitioner and others filed an appeal to the Principal Commissioner and Commissioner of Land Reforms, Chepauk, Chennai-5 and it was allowed on 19.12.1997 by setting aside the said order dated 11.9.1991 and the matter was remitted back to the second respondent for a fresh consideration and to pass final orders by 31.1.1998. Pursuant to the said order dated 19.12.1997, the second respondent passed fresh orders on 30.12.1998 holding that the area, in which, the petitioner and others were residing, belonged to them and that the said Mr.Kanda Gounder did not have any right over the same whatsoever and ultimately cancelled the acquisition done by the Government. Pursuant to that, necessary corrections were made in the revenue records.

5. Thereafter, the petitioner made several representations to both respondents 1 and 3 and the Village Administrative Officer,



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Sivadhapuram. However, the patta was not issued to him and others for over 20 years in order to develop the lands. Expressing his grievance, the petitioner made a representation dated 19.7.2023 to respondents 1 and 3 to inspect the said property and to issue a patta to the petitioner. But, there was no progress in the matter. Hence the writ petition.

6. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the third respondent to consider the representation of the petitioner dated 19.7.2023 for the issuance of patta in respect of the land and house property measuring 4,314 sq.ft. comprised in Survey No.129/5, Aandipatti, Sivadhapuram Village (Corporation Division No. 22), Salem Taluk, Salem District as per the order dated 30.12.1998 under proceedings No.N.R.9/90 (aa-1) of the 3rd respondent and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

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RS



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P.T.ASHA,J

RS

To

- 1.The District Collector,
Salem, Salem District.
- 2.The Assistant Commissioner,
Urban Land Tax, Salem.
- 3.The Tahsildar, West Salem,
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