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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.7350 of 2025

M.Madhaiyan

.... Petitioner

.Vs.

- 1.The District Collector
1st Floor Main Building
District Collectorate
Dharmapuri District-636 705.
- 2.The District Revenue Officer
1st Floor Main Building
District Collectorate
Dharmapuri District-636 705.
- 3.District Adi Dravidar Welfare Officer
District Collector Office Campus
Dharmapuri 636 705.
- 4.The Assistant Director
Agriculture Department
Near Dharmapuri Collectorate
Dharmapuri-636 705.
- 5.The Tahsildar
Taluk Office
Periyar Nagar, Harur-636 903.



6.The Special Tahsildar
Adi Dravidar Welfare
Harur, Taluk Office, Periyar Nagar
Harur-636 903.

7.Village Administrative Officer
No.086, Vadugapatti Village
Vadugapatti, Harur Taluk
Dharmapuri District-636 902.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to issue a patta for 1 Acre and 75 Cents comprised in S.No.12/2A (part) of No.086, Kurumpatti Village in Vadugapatti area, Harur Taluk, Dharmapuri District more particularly described in the schedule to the petition.

For Petitioner : Mr.Prakash Goklaney

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to issue patta in the name of the petitioner with respect to the subject property.

2.When the matter came up for hearing on 23.04.2025, this Court passed the following order:



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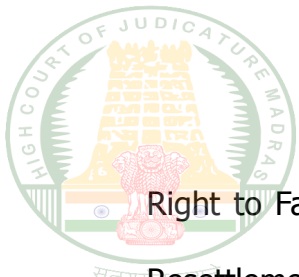
Pursuant to the earlier order dated 07.03.2025, the matter was listed for hearing today and the learned Additional Government Pleader produced the written instructions received from the sixth respondent.

2. On going through the same, it is seen that the sixth respondent is objecting for issuance of patta in the name of the petitioner and seeks for some time to file counter in this case. Hence, there shall be a direction to the sixth respondent to file counter in this case in order to enable the petitioner to know the grounds for objecting the request made by the petitioner seeking for issuance of patta.

Post this writ petition on 21.04.2025 under the caption 'Adjourned Admission'. In the mean time, counter shall be filed.

3. When the matter was taken up for hearing today a counter affidavit filed by the 6th respondent. The 6th respondent has taken a stand that acquisition proceedings was initiated and award has been passed and the subject property has vested absolutely with the respondents. In view of the same, there is no question of issuing patta in the name of the petitioner.

4. The learned counsel for the petitioner submitted that the compensation amount has not been tendered and the possession has not been taken from the petitioner and hence, the entire proceedings has lapsed under Section 24(2) of the



Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

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5. In the considered view of this Court, the issue as to whether the acquisition proceedings has lapsed, cannot be gone into in the present writ petition since the writ petition has been filed for a direction to the respondents to issue patta. If at all, the acquisition proceedings has lapsed, the petitioner has to independently file a writ petition and seek for such a declaration. Such a declaration cannot be made in collateral proceedings where the petitioner is seeking for issuance of patta. Hence, liberty is granted to the petitioner to file a fresh writ petition and seek for the appropriate relief. If ultimately, the acquisition proceedings is declared to have lapsed, the Court can direct the Tahsildar, to issue patta in favour of the petitioner which will only be a consequential relief.

6. This writ petition is disposed of in the above terms. No costs.

21.04.2025

Index : Yes/No
NCS : Yes/No
KP



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N.ANAND VENKATESH, J.

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