

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.14439 of 2016

V.A.Thirumagal

... Petitioner

Vs.

1.The Revenue Divisional Officer/ Deputy Collector,
Revenue Divisional Office,
State Bank Road,
Coimbatore.

2.Assistant Settlement Officer (South)
Office of the Director of Settlement and Resurvey,
Chepauk,
Chennai.

3.The Tahsildar (Fair Rent Fixation),
Office of Thasildar,
Sulur,
Coimbatore.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to accept and receive the amount fixed by the Special Tahsildar (Fixation of fair rent) Coimbatore by proceedings in F.R.No.76/70 and F.R.No.77/70 both dated 26.04.1971 towards consideration in terms of the proceedings of the Settlement Tahsildar-II, Gobichettipalayam in S.R.No.625/M.I.Act/ Palladam Taluk/67 and S.R.No.628/M.I.Act/Palladam Taluk/67 both dated 05.06.1967.

For Petitioner : Ms.V.S.Usha Rani
For Respondents : Mrs.M.E.Rani Selvam
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a

Mandamus directing the third respondent to accept and receive the amount fixed by the Special Tahsildar (Fixation of fair rent) Coimbatore by proceedings in F.R.No.76/70 and F.R.No.77/70 both dated 26.04.1971 towards consideration in terms of the proceedings of the Settlement Tahsildar-II, Gobichettipalayam in S.R.No.625/M.I.Act/ Palladam Taluk/67 and S.R.No.628/M.I.Act/Palladam Taluk/67 both dated 05.06.1967.

3.In the petition it has been stated that the petitioner had purchased an extent of 6.62 ½ acre out of 13.25 acre comprised in Survey Nos.170 and 171, Mopripalayam Village, Sulur Taluk, Coimbatore District vide sale deed dated 07.11.2005 registered as document no.4756 of 2005 with the Sub-Registrar of Annur, Palladam Taluk, Coimbatore District. The said properties has been assigned with survey Nos.170/3, 170/4, 171/3 and 171/4 and patta has also been issued in Patta Nos.290, 653, 2050 and 2051 and all other revenue records have been mutated in the petitioner's name.

4.It is further stated that earlier the said property was the subject matter of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 and the then Settlement Tahsildar - II, Gopichettipalayam by his proceedings in SR No.625/MI dated 05.06.1967 and SR No.628/MI dated 05.06.1967 had issued Ryotwari patta to one Chinnaiya Gounder and four others under Section 8(2)(1)(b) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 and consideration for the same was directed to be fixed.

5.It is further stated that the said lands were later sold to the predecessors to title of the petitioner's vendors and after the said sale, the petitioner is in absolute and uninterrupted possession. Consequent to the above said patta in the year 1967, the Special Tahsildar (Fixation of Fair Rent), Coimbatore by his proceedings dated 26.04.1971 in FR No.76/70 had fixed a sum of Rs.10,780/- for the land in survey No.171 and by his proceedings dated 26.04.1971 in FR No.77/70 had fixed a sum of Rs.12,220/- for the land in survey No.170 as consideration payable and aggrieved by the said order, the then land owners had taken the matter on appeal as the above order was against the prescribed rules, before the Special Deputy Collector Inams, Coimbatore who by his proceedings dated 11.02.1974 had set aside the said order and had remanded the matter back to the Special Tahsildar for re-fixation.

6.It is further stated that, since the petitioner was not able to ascertain as to whether the compensation was re-fixed and paid, by way of abundant caution, she had requested the Tahsildar by representation dated 19.02.2016 to accept the consideration as fixed earlier by proceedings dated 26.04.1971

and in her representation, she had made it clear that she is ready and willing to pay the sums as fixed by the Special Tahsildar by his proceedings dated 26.04.1971. But the same was not considered. Hence, the petitioner has come forward with this petition.

7. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader.

8. Though this writ petition has been filed for a positive direction, this Court is not inclined to give such a positive direction. Hence, considering the submissions made on either side, this Court is inclined to direct the petitioner to give a representation to the respondent. At this juncture, it is represented that the petitioner has already given a representation dated 19.02.2016 to the third respondent and it is pending. Hence, the third respondent is directed to consider the representation of the petitioner dated 19.02.2016 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer/ Deputy Collector,
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2. Assistant Settlement Officer (South)
Office of the Director of Settlement and Resurvey,
Chepauk, Chennai.
3. The Tahsildar (Fair Rent Fixation),
Office of Thasildar,
Sulur, Coimbatore.

1 cc to Mr.V.S.Usharani, Advocate, sr.24181
1 cc to Government Pleader, sr.24566

W.P.No.14439 of 2016

svi co
kra 23.05.2016