



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2016

CORAM :

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition(MD)No.23554 of 2015

1.A.Vellaichamy
2.M.Lakshmi
3.E.Devi
4.V.Meenambal

... Petitioners

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The District Revenue Officer,
Ramanathapuram.

3. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

4. The Tahsildar,
Paramakudi,
Ramanathapuram District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the second respondent to consider the petitioner's representation dated 09.01.2015 requesting the second respondent to confirm the order passed by the 3rd respondent in his proceedings Na.Ka.No.A3/3275/2013, dated 28.01.2014 within a time limit fixed by this Court.

For Petitioner : Mr.PT.S.Narendra Vasan

For Respondents : Mr. N.S.Karthikeyan
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus directing the second respondent to consider the petitioners' representation dated 09.01.2015 seeking to fix the land value, in which, the

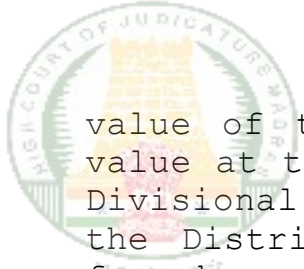


petitioners and many others have put up the constructions, at the rate, which is originally fixed by the erstwhile Revenue Divisional Officer in the year 2002.

2. In fact, the petitioners would mainly contend that earlier there was an objection regarding land allotment, then this matter went up to the Commissioner, Land Administration. The Commissioner, Land Administration, even in its order, which is passed in the year 2014, has categorically given a recommendation that since the rate was originally fixed in the year 2002 by the Revenue Divisional Officer, the same rate could be collected. Based on the recommendation, till date, no orders have been passed, hence, the present representation has been made. The said representation has not been considered so far, thus, the present writ petition has been filed, seeking to implement the order passed by the second respondent in his proceedings Na.Ka.No.A3/3275/2013, dated 28.01.2014 contending that the petitioner is prepared to deposit the value as fixed by the Revenue Divisional Officer in the year 2002. The Revenue Divisional Officer has sent a letter to confirm the price fixed by him to be paid. Since no orders have been passed by the District Revenue Officer, the petitioner has come before this Court with the present writ petition.

3. As rightly pointed out by the learned Addl. Govt. Pleader appearing for the respondents, the Revenue Divisional Officer cannot fix the rate for the year 2014, at the rate to be paid in the year 2002. Further, the Commissioner, Land Administration, has not fixed the value. The Commissioner, Land Administration, has passed an order only in the year 2002, accepting the assignment that the price was not fixed and the price has been fixed only in the year 2014. Merely because the Commissioner upheld the assignment, that cannot be a reason for the Revenue Divisional Officer to fix the value in 2002. In any view of the matter, it is not been confirmed by the District Revenue Officer. Therefore, he would contend that the present writ petition is not maintainable. He would also contend that insofar as Madurai is concerned, the petitioners are not original allottees and they are subsequent purchasers from the original allottees. Therefore, they cannot claim any right and that too, to purchase at the land value of the year 2002.

4. As rightly pointed by the learned Addl. Govt. Pleader, the present petitioners are not the original assignment holders and they are subsequent purchasers, therefore, they cannot now claim as a matter of right, to fix the value on the date when the Commissioner, Land Administration, approved the assignment. In fact, the Commissioner, Land Administration has approved the assignment in favour of those persons. The Revenue Divisional Officer has only recommended for the assignment. Merely because there was a delay on the part of the Revenue Divisional Officer in fixing the



value of the lands, the petitioners cannot now seek to fix the value at the rate of in the year 2002. In any event, the Revenue Divisional Officer has stated that the rate has to be approved by the District Revenue Officer. The District Revenue Officer so far, has not passed any order. The District Revenue Officer has to pass the order taking into consideration that whether the petitioners, who are subsequent purchasers, are entitled to this concession granted to original allottees. Suffice to state that under normal circumstances, it is only the market value can be fixed. Therefore, the District Revenue Officer will give sufficient opportunities to the parties and fix the value by passing appropriate orders in accordance with law.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The District Revenue Officer, Ramanathapuram.
3. The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
4. The Tahsildar,
Paramakudi, Ramanathapuram District.

+1cc to M/s.PT.S.Narendra Vasan, Advocate, Sr.No.23845

+1cc to the Special Government Pleader, Sr.No.23636

skn

JM/GSV-PM/SAR-I/06.06.2016/3P-7C

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