

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.23663 of 2016

1. M.Malisamani
2. C.Chandrasekaran
3. R.Munusamy
4. N.Boopathiyammal
5. M.Karunakaran
6. M.Rangasamy
7. C.Karunakaran
8. M.Sankar

..Petitioners

Vs.

1. The District Collector,  
Vellore District,  
Office of the District Collector,  
Sathuvachari,  
Vellore-9

2. The Assistant Commissioner  
(Land Reforms),  
Villupuram,  
Villupuram District

3. The Special Sub Inspector,  
(Land Reforms),  
Villupuram,  
Villupuram District

4. The Revenue Divisional Officer,  
Ranipet R.D.O.Office,  
Ranipet,  
Walajah Taluk,  
Vellore District.

5. The Tahsildar, (SC&ST),  
Walajah Taluk Office Campus,  
Walaja Taluk,  
Vellore District

6. The Village Administrative Officer,  
Puttuthakku Village Administrator's  
Office,  
Puttuthakku Village & Post,  
Walajah Taluk, Vellore District

7. Dr.G.Navin

(R7 Impleaded as per order dated 05.04.2017  
by DKKJ in WMP.No.36901/2016 in WP.No.  
23663/2016)

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to forthwith implement the order of the 2nd respondent dated 31.01.1990 in A.2/M.R.4/3/37.72/A.A and consequently direct the respondents to execute the Deed of Assignment for the lands assigned to the Petitioners comprised in Survey Numbers 331, and 329/1, situated at Kil Minnal, now Puttuthakku Village, Walajah Taluk, Vellore District, to the petitioners by considering and passing orders on the representation of the petitioners dated 10.06.2016.

For Petitioners :Mr.K.Selvaraj  
For R1 to R6 :Ms.P.Senthilvel  
Government Advocate  
For R7 : Mr.L.Chandrakumar

ORDER:

The learned Government Advocate takes notice for the respondents 1 to 6.

2. The learned counsel for the petitioner would submit that the petitioners became the original assignees of the surplus lands comprised in Survey No.331 and Survey No.329/1, situated at Kil Minnal Village, Walajah Taluk, erstwhile North Arcot-Ambedkar District, now Vellore District, as the second respondent herein, by order dated 31.01.1990, declared that the petitioners had become eligible assignees of the surplus lands comprised in above Survey Nos since the above said lands had been declared as excess lands under the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1962, and further, the same had been ordered to be given to the petitioners under the provisions of the Tamil Nadu Land Reforms (Disposal of Surplus Lands) Rules, 1965. Based on the order, the Special Revenue Inspector (Land Reforms), Vellore by a notice dated 10.08.1991 directed the petitioner to appear before him on 19.08.1991 with respect to assignment of the lands. When the petitioners expressed their willingness to pay the land

cost, the third respondent stated that the original land owner had filed a Revision Petition before the Land Commissioner, Chepauk, Chennai and after the dismissal of the Revision Petition, it would be informed for issuing Form "E" for payment of land cost and for execution of Deed of Assignment for the said land. Pending revision, no notice was issued to the petitioners. When the petitioners made representation to the second respondent, the second respondent directed the third respondent to conduct field inspection and submit a report. Even after a lapse of two years, no action had been taken by the above respondents for execution of Deed of Assignment and for grant of Patta for the said lands. Finally, the petitioners made representation dated 10.06.2016 to the first and fourth respondent and the same has not been considered so far. Hence, the present writ petition is filed.

3. The learned counsel for the petitioners would submit that in the year 2010, a notification has been issued that the fourth respondent is the competent authority to decide the similar issue and hence, writ petition has been filed before this Court for the relief as prayed for.

4. On instruction, the learned Government advocate would submit that as contended by the petitioner, the Commissioner of Land Administration allowed the revision filed by the erstwhile land owners of the subject property under section 82 of the Tamil Nadu Land Reforms (Fixation of ceiling on land) Act 1961 and set aside the order of the Assistant Commissioner (Land Reforms), Villupuram dated 13.12.1989 and remanded back the issue for fresh enquiry. The learned Government Advocate would further submit that the contention of the petitioner, in view of the notification issued around the year 2010, that the fourth respondent is the competent authority to issue necessary patta, could not be entertained as the order was passed by the Commissioner of Land Administration in the year 1991.

5. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents.

6. It has been rightly contended by the learned Government Advocate that the said order of the Assistant Commissioner (Land Reforms), Villupuram dated 13.12.1989 was set aside by the Commissioner and the same was remanded back for fresh enquiry. Hence, the contention of the learned counsel for the petitioners that the fourth respondent is now the competent authority to issue patta, is liable to be rejected. It is also right to say that the notification which is relied upon by the petitioner could not be agreed, as it has been passed in the year 2010.

7. The writ petition is dismissed with above observations. However, it is open to the petitioner to approach before the appropriate forum to get relief, if they are entitled under the law. No costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

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Puttuthakku Village Administrator's Office,  
Puttuthakku Village & Post,  
Walajah Taluk, Vellore District

Copy to: The Section Officer, VR Section,  
High Court, Madras.

+ 1 cc to Mr. K. Selvaraj, Advocate Sr.43420

+ 1 cc to M/s. L. Chandrakumar, Advocate SR.43036

W.P.No.23663 of 2016

AK(CO)

EU 23.08.17