



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2017

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THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

W.P. (MD) .No.21501 of 2015

Sundara Naicker ...Petitioner
Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Special Tahsildar,
Aadhi Dravidar Welfare Department,
Kovilpatti,
Thoothukudi District.

3.The Secretary to the Government,
Revenue Department,
Fort St. George, Chennai.

4.The Director of Aadhi Dravidar Welfare Department,
Chennai. ...Respondents

(Respondents 3 & 4 are **Suo-Motu** impleaded
vide Court order dated 22.06.2017)

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein to re-convey the property in Survey No.201/1B and transfer the Patta add petitioner's name in Survey No.201/1 in Patta No.254 situated at Nadakattur, Vilathikulam Taluk, Thoothukudi District to an extent of 0.67 cents by considering petitioner's representation dated 06.10.2015.

For Petitioner : Mr.C.Suresh Kannan
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the the second respondent herein to re-convey the property in Survey No.201/1B and transfer the Patta add petitioner's name in Survey No.201/1 in



Patta No.254 situated at Nadakattur, Vilathikulam Taluk, Thoothukudi District to an extent of 0.67 cents by considering petitioner's representation dated 06.10.2015.

2. Heard Mr.C.Suresh Kannan, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents.

3.Today, when the matter is taken up for hearing, this Court feels that the respondents 3 and 4 are proper and necessary parties for disposal of this Writ Petition. Hence , they are suo-motu impleaded.

4. According to the petitioner, he is the owner of the land to an extent of 7.42 acres in Survey No.201/1 of Nadukattur village, Vilathikulam Taluk, Thoothukudi District, by virtue of the registered sale deed and a patta was issued in favour of the writ petitioner in Patta No.254.

5. The petitioner would state that in the year 1979, the second respondent herein acquired the property to an extent of 0.67 cents in Survey No.201/1 and the same was sub-divided as Survey No.201/1B for the purpose of issuance of free patta to the persons belonging to SC/ST. The petitioner would further state that one Seeni Muthu Thevar approached the second respondent on 15.06.1999 and executed a gift deed in Survey No.277/5 in the same village in favour of Tamil Nadu Government for the purpose of issuance of free patta to build house for SC/ST people. Therefore, the second respondent shifted the project to the land gifted by Seeni Muthu Thevar and also issued free patta to 24 beneficiaries on 18.01.2002.

6. The petitioner would claim that he has been in possession and enjoyment of the land in Survey Nos.201/1 and 201/1B and on 16.08.2015, he requested the second respondent to re-convey the said land and transfer patta in his name. Thereafter, on 06.10.2015, he sent a detailed representation to the respondents. Since no order was passed, the present writ petition has been filed.

7. The second respondent has filed a counter affidavit stating that pursuant to the order passed by this Court in W.P.No.62108 of 2002, dated 07.01.2003. The second respondent sent requisition to the Director of Aadhi Dravidar Welfare Department, Chennai in his proceedings Na.Ka.No.A/131/09, dated 17.06.2014 to re-convey the land of the petitioner. In turn, the Director of Aadhi Dravidar Welfare Department in his letter No.A1/40660/08, dated 01.09.2009 has sought further clarification from the second respondent for which the second respondent has sent a communication on 01.03.2010. Further, the second respondent is awaiting sanction of approval from the Government, for change of



8. Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the second respondent after receiving approval from the Director of Aadhi Dravidar Welfare Department, Chennai and the Government is ready to consider the request of the petitioner.

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9. Considering the limited scope of the prayer sought for in this writ petition and the counter affidavit filed by the respondents, this writ petition is disposed of with a direction to the petitioner to give a fresh representation / application to the competent authority, the Secretary to the Government, Revenue Department, Government of Tamil Nadu enclosing the order copy within a period two weeks from the date of receipt of a copy of this order. On such compliance, third respondent shall consider the same and pass orders on merits and in accordance with law within a period of three months therefrom.

10. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1.The Secretary to the Government,
Revenue Department,
Fort St. George, Chennai.

2.The Director of Aadhi Dravidar Welfare Department, Chennai.

3.The District Collector,
Thoothukudi District,Thoothukudi.

4.The Special Tahsildar,
Aadhi Dravidar Welfare Department,
Kovilpatti,
Thoothukudi District.

+1cc to M/S.C.SURESH KANNAN, Advocate SR.No.61737

+1cc to Special Government Pleader, SR.No. 61876

SM/TSG

MAS/MR-KKR/SAR1:28.07.2017:3P-7C