



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Writ Petition(MD)No.6398 of 2013

and

M.P(MD)No.1 of 2013

R.Shanmugam

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

3.The Thasildar,
Pattukottai,
Thanjavur District.

4.The Director,
Tamilnadu Slum Clearance Board,
Chennai.

5.The Commissioner,
Pattukottai Municipality,
Pattukottai,
Thanjavur District.

6.The Assistant Commissioner,
Land Reforms,
Mayiladuthurai,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from transferring or assigning the land measuring an extent of 1.90 acres in S.No.42/5B in Nadiambalpuram Village, Pattukottai Taluk, Tanjour District corresponding to 7650 square metres of land in Town Survey Number 24/10, Pattukottai Municipality and directing the respondents 1 to 3 to restore the land in the holding of the petitioner in terms of the order of assignment per the proceedings of the Authorised officer, Mannargudi Taluk, vide ref.M.R.IV.534/PTK/A1 dated 10.12.1975.



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For Petitioner : Mr.Niranjan S.Kumar
For Respondents 1-3&6 : Mr.S.Kumar,
Additional Government Pleader.
For 4th Respondent : Mr.P.Mahendran
For 5th Respondent : Mr.J.Gunaseelan Muthiah,
Government Advocate.

ORDER

The prayer in the writ petition reads as follows:-

"The writ petition has been filed for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from transferring or assigning the land measuring an extent of 1.90 acres in S.No.42/5B in Nadiambalpuram Village, Pattukottai Taluk, Tanjour District corresponding to 7650 square metres of land in Town Survey Number 24/10, Pattukottai Municipality and directing the respondents 1 to 3 to restore the land in the holding of the petitioner in terms of the order of assignment as per the proceedings of the Authorised officer, Mannargudi Taluk, vide ref.M.R.IV.534/PTK/A1 dated 10.12.1975."

2.According to the petitioner, an extent of 1.90 acres of lands which was declared surplus under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 was assigned to him under the Tamil Nadu Land Reforms (Disposal of Surplus Lands) Rules, 1965. The petitioner claimed that he has paid the entire value of the land payable as per the said Rules. In the year 2012, finding that an attempt is made by the respondents to put up construction in his land through the fourth respondent, the petitioner has sent objections to the authorities concerned on 24.08.2012. Thereafter, the Pattukottai Municipality, namely, the fifth respondent passed a resolution to hand over the land that was assigned to the petitioner in Old survey No.42/5B and New T.S.No.24/10 along with other lands to the fourth respondent for being developed. Hence, the petitioner issued a notice under Section 80 of the Code of Civil Procedure, 1908 on 19.12.2012 to all the five respondents in this writ petition. The fourth respondent, Tamil Nadu Slum Clearance Board alone sent a reply stating that since the land has been classified, in the town survey register as Government dry land, the municipality has passed a resolution and proceedings are on to develop the said land through the fourth respondent namely, the Tamil Nadu Slum Clearance Board. Aggrieved by this communication, the petitioner has approached this Court seeking the aforesaid relief.

3.The petitioner has been assigned the land on 10.12.1975 by the proceedings of the Authorised Officer Land Reforms, Mannarkudi. The said assignment is not in dispute. The petitioner has also produced receipts for payment of the last



installment of the cost of the land payable on assignment.

4. The fifth respondent municipality has filed a counter accepting the fact that though originally the resolution was passed setting apart the land in T.S.No.24/10 for the purposes of development by the Tamil Nadu Slum Clearance Board and subsequently upon receipt of the notice issued by the petitioner, the municipality has verified the revenue records and has found that the T.S.No.24/10 belongs to the petitioner and it has been wrongly classified as Government dry in the town survey records. The municipality has also stated that Resolution No.117, dated 28.03.2013 has been passed by the municipality to correct the above said mistake.

5. Learned counsel for the Tamil Nadu Slum Clearance Board has produced written instructions received by him with reference to the subject matter of the writ petition wherein also it is stated that the fourth respondent has addressed the grievance of the petitioner to the District Collector stating that only for 89 cents of land in T.S.Nos.24/6,7,8 and 9, the municipality has passed resolution for the construction of multi-storied buildings. It is also stated therein that T.S.No.24/10 has not been taken up for development by the Tamil Nadu Slums Clearance Board.

6. In view of the above stand taken by the respondents 4 and 5, the writ petition is allowed and there shall be a mandamus as prayed for. The respondents are directed to correct the mistakes that had crept in the Town Survey Register. Such correction of the revenue records shall be carried out within a period of four weeks from the date of receipt of a copy of this order.

7. At this juncture, learned Government Advocate would submit that unless the petitioner has paid the entire amount payable by him pursuant to the assignment, the Government would be at liberty to take steps to cancel the assignment. It is open to the Government to take appropriate action, in the event, it is found that the petitioner has not paid the entire amount payable by him towards assignment cost for the land. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur District,
Thanjavur.

<https://hcservices.courts.gov.in/hcservices/>



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3.The Thasildar,
Pattukottai,
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4.The Commissioner,
Pattukottai Municipality,
Pattukottai,
Thanjavur District.

5.The Assistant Commissioner,
Land Reforms,
Mayiladuthurai,
Thanjavur District.

+1 cc to Mr.J.Gunaseelan Muthiah , Advocate in SR.No. 15203
+1 cc to Mr.P.Mahendran , Advocate in SR.No. 15276
+1 cc to Special Government Pleader, SR.No:15534

sms

AE/RR/SAR3/06.04.2017/4P/9C

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