

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.33101 of 2013

R.K.Subramaniam

... Petitioner

Vs.

1. The District Collector,
Tirupur District,
Tirupur.
2. The Thasildar,
Tirupur Taluk & District.
3. The Special Thasildar,
Adi Dravidar & Scheduled Tribes Welfare,
Tirupur.
4. The Special Officer,
District Adi Dravidar & Scheduled Tribes Welfare,
Tirupur District.
5. The Village Administrative Officer,
Peruntholuvu Village,
Tiruppur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent herein to direct the 2nd respondent to alter both the survey numbers in S.F.No.87/2 as expeditiously as possible.

For Petitioner : Mr.K.Vignesh Karthick

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

ORDER

Heard Mr.K.Vignesh Karthick, learned counsel for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader for the respondents and perused the materials available on record.

2. The petitioner has come up with this writ petition for issuance of a writ of mandamus, directing the first respondent to direct the second respondent to alter both survey numbers in S.F.No.87/2 in Peruntholuvu Village in Tiruppur District.

3. The undisputed facts are that the petitioner was the absolute owner of the property measuring an extent of 3.86 acres in S.F.No.87/2. The Government issued a notification to acquire the land of the petitioner measuring an extent of 1.65 acres. Thereafter, the land was sub divided as 87/2A and 87/2B and the acquisition relates to S.F.No.87/2B. The petitioner did not challenge the acquisition proceedings and it seems that the petitioner has not received the award amount of Rs.1000/- and the same was deposited in the Sub Treasury, Pollachi.

4. It is also not in dispute that the respondents instead of issuing patta for the beneficiaries in the land in S.F.No.87/2B, issued patta in respect of the land in S.No.87/2A, which has an extent of 2.21 acres. Based on the patta the beneficiaries have occupied 1.23 acres in S.F.No.87/2A and 9 cents in S.No.87/2B. According to the petitioner that the mistake came to his knowledge only in the year 2006. Thereafter, immediately he approached the respondents for alteration of the survey number. Since no favourable order was forthcoming, the present writ petition has been filed.

5. The learned Additional Government Pleader has produced the letter of the Special Tahsildar, Adi-Dravidar and Scheduled Tribes Welfare Department, Tiruppur / the fourth respondent herein admitting the facts that the beneficiaries have occupied the land to an extent of 1.23 acres in S.No.87/2A and 9 cents in 87/2B. The land measuring 0.98 acre in S.F.No.87/2A and 1.56 acres are in occupation and enjoyment of the land owners.

6. In the case on hand, as stated above the land acquisition proceedings were neither opposed by the petitioner nor he received the award amount. So it can be stated, the petitioner gifted the land free of cost for construction of house for the people belonging to Adi Dravidar community. Even then he is not able to enjoy the remaining land for the reasons stated supra.

7. In view of the above admitted facts, this Court in order to meet the ends of justice, issues the following directions

(i) The respondents shall treat the lands of the petitioner in S.No.87/2A to an extent of 1.23 acres and 9 cents in S.No.87/2B have been acquired as per the earlier notification and

(ii) The second respondent shall issue patta in favour of the owners of the lands measuring an extent of 0.98 acre in

S.No.87/2A and 1.56 acres in 87/2B, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tirupur District,
Tirupur.
2. The Thasildar,
Tirupur Taluk & District.
3. The Special Thasildar,
Adi Dravidar & Scheduled Tribes Welfare,
Tirupur.
4. The Special Officer,
District Adi Dravidar & Scheduled Tribes Welfare,
Tirupur Districts.
5. The Village Administrative Officer,
Peruntholuvu Village,
Tiruppur District.

+lcc to Mr.K.Vignesh Karthick, Advocate sr.no.52335

+lcc to Government Pleader sr.no.52835

W.P.No.33101 of 2013

nr 03/09/2018