

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2019

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI, J.

W.P.Nos.4843 of 2007 & 28744 of 2012
and

WPMP.Nos. 1 of 2012, 1 of 2007 and 2 of 2012

1. Arulmigu Mahalingaswamy Devasthanam
Thiruvidadaimarudur represented by its
Hereditary Trustee, Adhinakartha of
Thiruvavaduthurai Adheenam,
Thiruvavaduthurai, Nagapattinam
District.

...Petitioner in W.P.No.4843 of 2007 &
R4 in W.P.No.28744 of 2012

2. G. Chandra

...Petitioner in W.P.No.28744 of 2012 &
R5 in W.P.No.4843 of 2007

Vs

1. The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai-5.

2. Settlement Officer, Thnjavur

3. Assistant Settlement Officer,
Thanjavur.

... Respondents in both WPs.

4. Kokilambal (Died)

...Respondent 4 in W.P.No.4843 of 2007
R5 substituted as LR in the place of deemed
4th respondent as per order dated 30.04.2013
by PRSJ in M.P.No.1 of 2012 in W.P.No.4843 of 2007.

PRAYER in W.P.No.4843 of 2007:

Writ Petition filed under Article 226 of the Constitution of
India praying to issue a writ of certiorari or any other order
of direction in the nature of a writ calling for the records of
the first respondent made in R.Dis .K.1/RP3/93 dated 12.03.04.

PRAYER in W.P.No.28744 of 2012:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus or any other writ or direction in the nature of writ calling for records of the 1st respondent in his proceedings R.Dis K1/RP3/93 dated 12.03.2004 and quash the same and direct the respondents to grant Ground Rent Patta to the petitioner for the extent of 57 cents in R.S.No.183/3, Thiruvidadaimarudur Village, Kumbakonam Taluk, Thanjavur District.

For Petitioner : Mr. K. Chandrasekar for P1 in W.P.No. 4843 of 2007 and R4 in W.P.No.28744 of 2012

For Respondents : Mr. M. Elumani, Government Advocate for R1 and R3 in both WPs. Ms. Muttappan for R5

C O M M O N O R D E R

Writ Petition No.4843 of 2007 is filed by Arulmigu Mahalingasamy Devasthanam and Writ Petition No.28744 of 2014 is filed by the individual, both were claiming right under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act of 30/63. Though all the authorities appointed under the Act namely Assistant Settlement Officer, Settlement Officer and Commissioner of Land Administration have concurrently held that both the Devasthanam as well as the individual have no right to claim either the land or the superstructure. Aggrieved by the said decision, both the Writ Petitions have been filed.

2. Learned counsel for the petitioners in the above Writ Petitions have respectively filed a memo stating that as per section 3(d) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act of 30/63, the property in question is vested with the Government of Tamil Nadu, the petitioners in both the Writ Petitions seek liberty to make respective claim before the Secretary Department of Revenue, Government of Tamil Nadu.

3. In view of the above, I am inclined to grant liberty to the petitioners in both the Writ Petitions to make out their remedy in the manner known to law before the appropriate authority namely the Secretary, Department of Revenue, Government of Tamil Nadu, who is directed to pass appropriate orders after following the due process of law and four (4) weeks is granted to the petitioners to file their respective claims before the Secretary, Department of Revenue, Government of Tamil Nadu. With the above observation, the Writ Petitions are

disposed of. No costs. Consequently, Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To,

1. The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai-5.
2. The Settlement Officer,
Thnjavur.
3. The Assistant Settlement Officer,
Thanjavur.
4. The Arulmigu Mahalingaswamy Devasthanam
Thiruvidaïmarudur represented by its
Hereditary Trustee, Adhinakartha of
Thiruvavaduthurai Adheenam,
Thiruvavaduthurai, Nagapattinam
District.

+2cc to Mr.M.Muthappan, Advocate Sr.49830
+1cc to Mr.K.Chandrasekaran, Advocate Sr.49006

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and
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