

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2019

Coram

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10593 of 2010
and W.M.P.No.30488 of 2018

Palladam Co-operative House Building
Society-cum-Plot Owners' Welfare Society,
(Regn.No.142 of 2009)
Rep. by its President K.Chinnasami,
Having Office at No.3,
Thiruvalluvar Street,
Palladam, Tiruppur District.

Petitioner

vs.

- 1.Palladam Co-operative Building Society,
Palladam,
Rep. by its Special Officer Vasanthraj,
Palladam, Tiruppur District.
- 2.The District Collector,
Tiruppur.
- 3.The District Revenue Officer,
Tiruppur.
- 4.The Revenue Divisional Officer,
Tiruppur.
- 5.The Tahsildar,
Palladam Taluk,
Palladam,Tiruppur District.

6.P.S.Veluswamy (Died) Respondents
[R5 & R6 impleaded as per order
dated 20.04.2012 in M.P.No.1 of 2011
in W.P.No.10593 of 2010]

- 7.Palaniammal
- 8.Ponnusamy (Deceased)
- 9.Kaliappan
- 10.Mariammal
- 11.Sumathi

12.Mohanraj

13.Mayilswamy

...

Respondents

[R7 to R9 are substituted as LR's of the deceased R6 & R10 to R13 are substituted as LR's of the deceased R7 vide order dated 10.06.2019 in W.M.P.No.6856 of 2019 in W.P.No.10593 of 2010]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents and in particular the 1st respondent to ensure delivery of possession of the lands in S.No.270/1 and 270/2 in Palladam Village and Taluk pursuant to the acquisition and Allotment order dated 19.10.1952 already made including by taking necessary steps for removal of encroachments and other steps as may be necessary for the purpose within such time as may be fixed by this Court.

For Petitioner	:	Mr.R.G.Narendhiren
For Respondent No.1	:	Mr.V.Manoharan
For Respondent Nos.2 to 4	:	Mr.M.Elumalai
		Government Advocate
For Respondent Nos.6 to 11	:	Mr.M.R.Jothimanian

O R D E R

The petitioner has filed this writ petition, directing the first respondent to ensure delivery of possession of the lands in Survey Nos.270/1 and 270/2 in Palladam Village and Taluk, pursuant to the acquisition and Allotment order dated 19.10.1952 already made including by taking necessary steps for removal of encroachments.

2. The case of the petitioner is that the petitioner is a member of the first respondent Society. The first respondent Society was formed by the residents of Palladam Village with the objects of providing house sites to its members for construction of houses. It was registered in the year 1949. It approached the Government for acquisition of 8 acres of lands in Survey Nos.270/1 and 270/2 at Palladam Village. Accordingly, the Government has directed the second respondent to initiate proceedings for acquisition of lands for the purpose of provision of house sites to the members of the first respondent Society.

3. The Special Tahsildar-cum-Land Acquisition Officer delivered possession of the acquired lands to the first respondent Society in the year 1952 and thereafter, it came to know that the entire properties were acquired by the respondents 6 to 11. Immediately, the petitioner has approached this Court by way of Writ Petitions in W.P.Nos.6367 of 1986 and 1209 of

1995 and this Court, by its order dated 16.11.1986, directed the first respondent to work out the remedy in the suit already instituted by them in O.S.No.84 of 1985. However, till date, the said suit has not been disposed of. Hence, the members of the first respondent Society formed another Society, by name, Palladam Co-operative House Building Society-cum-Plot Owners' Welfare Society, (Regn.No.142 of 2009), the petitioner herein, has filed the present Writ Petition with the above said prayer.

4. The learned counsel for the petitioner would submit that as per Section 16 of the Land Acquisition Act, once the lands have been acquired and possession was taken, the said lands are vested with the Government and the Government is well within the jurisdiction to use the lands for the purpose of which, it was acquired, the said lands handed over to the first respondent Society. However, in the present case, due to encroachment made by the respondents 6 to 11, the first respondent Society had not handed over the lands to the members of the petitioner. Accordingly, he prayed for passing appropriate orders.

5. The learned counsel for the first respondent would submit that though the suit was filed by the first respondent in the year 1985, till date, the same has not been disposed of. He further submitted that this Court may issue a direction to the learned District Munsif, Palladam, for early disposal and the entire problem will be solved.

6. The learned counsel for the respondents 6 to 11 would submit that the grandfather of the respondents 6 to 11, late Palanisamy Gounder was the owner of an extent of 7.40 acres of vacant land in Survey No.26 in Palladam Village and the same had purchased from Palani Mudali, son of Narayana Mudali in the year 1980, by way of registered sale deed as Document No.1706/1890 and subsequently, Survey No.26 was sub-divided by the Revenue Authorities as Survey Nos.270/1 and 270/2. Thereafter, the same was confirmed by the Appellate Tribunal under Minor Inam Abolition Act, 30 of 1963 in C.M.A.No.85 of 1969. As against which, an appeal was filed before this Court in S.T.A.No.268 of 1978 and the same was also dismissed and confirmed the sale deed of the year 1890 in favour of the Palanisamy Gounder. However, the suit filed by the first respondent Society in O.S.No.84 of 1985 for delivery of possession, which was reassigned as O.S.No.49 of 1997, is pending before the learned District Munsif, Palladam.

7. Admittedly, the first respondent Society initiated the suit against the respondents 6 to 11 for recovery of possession. Therefore, in order to solve the issue, this Court

is inclined to give a direction to the learned District Munsif, Palladam, to dispose of the suit pending in O.S.No.49 of 1997, within a period of five months from the date of receipt of a copy of this order. It is made clear that the petitioner, respondents and all parties in the suit are directed to co-operate with the trial for early disposal.

8. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sri

To

- 1.The District Collector,
Tiruppur.
- 2.The District Revenue Officer,
Tiruppur.
- 3.The Revenue Divisional Officer,
Tiruppur.
- 4.The Tahsildar,
Palladam Taluk,
Palladam,Tiruppur District.

+1cc to Government Pleader sr.53505
+1cc to Mr.M.R.Jothimaniyan, Advocate sr.52689
+1cc to Mr.V.Manoharan, Advocate sr.52669
+1cc to Mr.R.G.Narendhiren, Advocate sr.52581

W.P.No.10593 of 2010
and W.M.P.No.30488 of 2018

br (co)
nr 29/07/2019