

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15026 of 2016

K.S.Rangasamy

.. Petitioner

Vs.

1. The Revenue Divisional Officer/Deputy Collector,
Revenue Divisional Office,
State Bank Road,
Coimbatore-641 018.
 2. Assistant Settlement Officer (South),
Office of the Director of Settlement and Resurvey,
Chepauk, Chennai.
 3. The Tahsildar (Fair Rent Fixation),
Office of Tahsildar,
Sulur, Coimbatore.
- .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the third respondent to accept and receive the amount fixed by the Special Tahsildar (Fixation of Fair Rent), Coimbatore, by proceedings in F.R.No.76/70 and F.R.No.77/70 both dated 26.04.1971 towards consideration in terms of the proceedings of the Settlement Tahsildar-II, Gobichettipalayam in SR.No.625/M.I.Act/Palladam Taluk/67 and S.R.No.628/M.I.Act/Palladam Taluk/67 both dated 05.06.1967 or in alternative direct the third respondent to re-fix the fair rent/consideration in furtherance of the order of the Deputy Collector Inams Coimbatore in FRA No.6/72 and FRA No.7/72 dated 11.02.1974 in the terms of Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 and permit the petitioner to pay the same.#

#Prayer amended as per order dated 23.02.2018
in WMP No.36456/17 in WP No.15026/16

For Petitioner : Ms.V.S.Usha Rani

For Respondents : Mr.N.Inbanathan,
Additional Government Pleader

O R D E R

The prayer sought for by the petitioner in this writ petition is to issue a Writ of Mandamus directing the third respondent to accept and receive the amount fixed by the Special Tahsildar (Fixation of Fair Rent), Coimbatore, by proceedings dated 26.04.1971 in F.R.No.76/70 and F.R.No.77/70 towards consideration in terms of the proceedings of the Settlement Tahsildar-II, Gobichettipalayam, dated 05.06.1967 in SR.No.625/M.I.Act/Palladam Taluk/67 and S.R.No.628/M.I.Act/Palladam Taluk/67. The petitioner sought for an alternative prayer of a direction to the third respondent to re-fix the fair rent/consideration in furtherance of the order of the Deputy Collector Inams Coimbatore in FRA No.6/72 and FRA No.7/72 dated 11.02.1974 in the terms of Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 and permit him to pay the same.

2. The petitioner claimed that he purchased an extent of 6.09 acres out of 13.25 acres comprised in Survey Nos.170 and 171, Mopripalayam Village, Sulur Taluk, Coimbatore District, via sale deed dated 23.11.2004 registered as Document No.3116 of 2004 on the file of the Sub Registrar, Sulur. After subdivision, revenue records have been mutated and he was issued with patta No.544. It is stated by the petitioner that originally the said land was the subject matter of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 (in short, "1963 Act") and the Settlement Tahsildar II, Gopichettipalayam, vide the proceedings dated 05.06.1967 in SR Nos.625/MI and 628/MI had issued Ryotwari patta to one Chinnaiya Gounder and four others under Section 8(2)(1)(b) of the 1963 Act and consideration for the same was directed to be fixed. Subsequently, the Special Tahsildar (Fixation of Fair Rent), Coimbatore, vide proceedings dated 26.04.1971 in FR Nos.76/70 and 77/70 had fixed a sum of Rs.10,780/- for the land in survey No.171 and Rs.12,220/- for the land in survey No.170 respectively as consideration.

3. The petitioner further stated that in the meanwhile, the predecessors to title of the petitioner purchased the property. Aggrieved by the said order, the matter was taken on appeal before the Special Deputy Collector Inams, Coimbatore, who, in turn, set aside the orders vide proceedings dated 11.02.1974 and

remanded the matter back to the Special Tahsildar for re-fixation.

4. It is also stated that from the date of purchase, the petitioner was in possession and enjoyment of the property. Since there is no materials to show the re-fixation and payment of compensation, the petitioner's predecessors-in-title sent a representation to the Commissioner of Land Reforms expressing their willingness to pay the consideration, who, in turn, vide proceedings in Na.Ka.No.832/2012, dated 06.06.2012, directed the Tahsildar, Palladam, to take follow up action. However, the petitioner, by way of abundant caution, through his counsel, sent a representation to the Tahsildar, Sulur, dated 27.03.2014, enclosing the demand drafts towards consideration fixed earlier and requested him to accept the same. But it was returned on 28.04.2014. Hence, the petitioner has come forward with this petition.

5. Resisting the claim of the petitioner, the third respondent filed a counter-affidavit.

6. The learned counsel appearing on behalf of the petitioner relied upon the order passed by the third respondent in Na.Ka.No.1179/2016-A2, dated 13.08.2016 and sought for a similar relief.

7. Heard the learned Additional Government Pleader appearing on behalf of the respondents on the above submissions.

8. It is to be noted that a similarly placed person, who purchased a portion of the subject lands, filed W.P.No.14439 of 2016 before this Court and vide order dated 20.04.2016, though this Court did not give any positive direction, directed the third respondent to consider the representation of the petitioner therein dated 19.02.2016 and pass appropriate orders, on merits and in accordance with law. It is not in dispute that the third respondent based on the said direction, issued the proceedings dated 13.08.2016 in Na.Ka.No.1179/2016-A2, re-fixing the compensation amount in respect of the said petitioner. This Court is of the view that the petitioner is placed on a similar footing and his claim cannot be kept pending merely on the ground that the records could not be traced.

9. In view of the above, the third respondent is directed to consider the claim of the petitioner and refix the compensation as has been done in the proceedings dated 13.08.2016 made in Na.Ka.No.1179/2016-A2 and extend similar benefit to the petitioner. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer/Deputy Collector,
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2. Assistant Settlement Officer (South),
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3. The Tahsildar (Fair Rent Fixation),
Office of Tahsildar,
Sulur, Coimbatore.

+lcc to M/s.V.S.Usha rani, Advocate, SR. No. 48161

W.P.No.15026 of 2016

SS (CO)
RMP (04/07/2019)

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