



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.11.2019

Coram::

The Honourable Dr. Justice G. Jayachandran

W.P.No.13284 of 2019

Jeyakodi

... Petitioner

/versus/

1. The Principal Secretary,
Revenue Department,
Government of Tamil Nadu Secretariat,
St. George Fort, Chennai.
2. The District Collector,
Tiruppur District, Tiruppur.
3. The District Revenue Officer,
Collector's Office, Tiruppur.
4. The Revenue Divisional Officer,
Collector's Office, Tiruppur.
5. The Commissioner,
Municipal Corporation of Tiruppur,
Tiruppur - 4.
6. The Thasildar,
North Taluk Office,
Kumaran Road,
Tiruppur - 641 601.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents to consider the representation dated 18.01.2019 whereby directing 5th respondent to either return the land to an extent of 3250 square feet in S.No.564, Thottipalayam situated at S.N.V.S. Layout, 5th Street, (Old Ward No.7), at Thiruppur or to pay the compensation as per the Act within a stipulated time.

For Petitioner : Mr.M.Velmurugan

For R1 to R4 & R6 : Mr.N.Inbanathan

Additional Government Pleader

For R5 : Mr.P.Shanthi



ORDER

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

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2. The petitioner herein is aggrieved by the wrong entry of the Commissioner Tiruppur Municipality, in the patta in respect of T.S.Nos.1 & 18. On 18.01.2019, she has given a representation to the respondent to return back the land measuring 3250 sq.ft out of 4560 sq.ft, which is wrongly held by the Tiruppur Corporation due to erroneous entry in the Revenue documents.

3. Relying upon the patta issued in their favour vide order dated 20.06.2018, the petitioner has made above said request.

4. When the matter came up for admission, it was admitted by the Learned Government Advocate for the respondents that, the portion of the petitioner's land has been taken for establishing public road since there was no acquisition proceedings, they will negotiate with the petitioner for compensation and report.

5. Now, after two adjournments, it is reported by the Learned Additional Government Pleader for the respondents that, the Tiruppur Commissioner, has preferred appeal against the order passed by the District Revenue Office, Coimbatore, vide proceedings dated 29.03.2004 in respect of granting patta in favour of four persons which includes mother of the petitioner herein. The said appeal by the Commissioner, Tiruppur Corporation, obviously preferred after 10 years of grant of patta in favour of the petitioner's predecessor is an after thought and after filing the present Writ Petition.

6. The Learned Additional Government Pleader for the respondents further states that, the Tiruppur Municipal Council has resolved in its meeting dated 16.08.2019 to compensate the petitioner herein as per the value of the land as on year 2002.

7. In the light of the above fact, this Court is of firm opinion that, the so called appeal preferred by the Commissioner, Tiruppur Corporation, on 15.05.2019 to the Commissioner of Land Administration is only to circumvent the lawful right of the petitioner and to delay the process and defeat the lawful right of the petitioner which she is agitating before this Court in W.P.No.13284 of 2019.

8. Hence, the Commissioner, Tiruppur Corporation is directed to proceed upon the resolution passed by the Corporation Counsel on 16.08.2019 and fix the lawful



compensation payable to the petitioner for the land which they encroached without due process of law and pay the money preferably, within a period of four months, from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary,
Revenue Department,
Government of Tamil Nadu Secretariat,
St.George Fort, Chennai.
2. The District Collector,
Tiruppur District, Tiruppur.
3. The District Revenue Officer,
Collector's Office, Tiruppur.
4. The Revenue Divisional Officer,
Collector's Office,Tiruppur.
5. The Commissioner,
Municipal Corporation of Tiruppur, Tiruppur - 4.
6. The Thasildar,
North Taluk Office,
Kumaran Road, Tiruppur - 641 601.

+1cc to Mr.M.Velmurugan, Advocate Sr.No.99544

+1cc to The Government Pleader SR.No.99947

AKM/21.01.2020 /3P-9C/

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