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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.13615 of 2020

and

W.M.P. (MD).No.11331 of 2020

Sundaramoorthy Madam,
Rep. by its Trustee S.Rengaraj,
D.No.1, Ambalam Muthukathan Street,
Chinnapuliyampatti,
Aruppukottai Town,
Virudhunagar District.

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Commissioner,
Aruppukottai Municipality,
Aruppukottai Town,
Virudhunagar District.

3.The Executive Engineer,
Aruppukottai Distribution,
TANGEDCO,
Aruppukottai S S Campus,
Aruppukottai,
Virudhunagar District.

4.Veemini Pallivasal Trust,
Rep. by its Trustee E.Sethuraman,
D.No.30, Thilagar Maithanam Street,
Cinnapuliyampatti,
Aruppukottai,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, forbearing the official respondents from granting any permission for the change of revenue records and also change of the character of the properties belongs to the petitioner into the name of the fourth respondent herein without due process of law based on the petitioner's legal notice dated 14.09.2020 and the petition under Right to Information Act dated 14.09.2020 within the time stipulated by this Court.



For Petitioner : Mr.Ananth C.Rajesh

For Respondents: Mr.M.Rajarajan
Additional Government Pleader
for R1 & R3

Mr.N.Dilip Kumar
for R2

Mr.I.Suthakaran
for R4

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ORDER

This writ petition has been filed for a Mandamus forbearing the respondents 1 to 3 from granting any permission for change of revenue records and also change of the character of the properties belonging to the petitioner into the name of the fourth respondent without following the due procedure established under law.

2. Heard Mr.Ananth C.Rajesh, learned counsel for the petitioner, Mr.M.Rajarajan, learned Additional Government Pleader appearing for the respondents 1 & 3, Mr.N.Dilip Kumar, learned Counsel appearing for the second respondent and Mr.I.Suthakaran, learned counsel appearing for the fourth respondent.

3. The case of the petitioner-'Madam' is that they are the absolute owners of the lands comprised in Survey Nos.71/14, 71/11, 71/5 and 71/12 and now in T.S.Nos.12/14B, 12/7A and 12/8A respectively at Aruppukottai Town. According to them, all the revenue records are standing in their name. But illegally the official respondents with the connivance of their officials are attempting to transfer the revenue records in favour of the fourth respondent Trust. In such circumstances, this writ petition has been filed.

4. A counter affidavit has been filed by the fourth respondent. In the counter affidavit, in paragraph No.4, it is stated that the fourth respondent Trust mistakenly claimed right over the properties, which are the subject matter of this writ petition and based on the same, the second respondent has assessed vacant site tax in the name of the fourth respondent Trust. Subsequently, the second respondent realised his mistake and they have now cancelled the tax assessment issued in favour of the fourth respondent and the tax assessment is presently standing in the name of the petitioner-'Madam'. The proceedings of the second respondent dated 29.09.2020 cancelling the tax assessment issued in favour of the fourth respondent for the said property has also been placed on record before this Court by the learned Standing Counsel for the second respondent.



5. In view of the same, as of now, the Tax Assessment as well as the revenue records pertaining to the subject property stands in the name of the petitioner-'Madam'. Hence, the apprehension raised by the petitioner is not sustainable. After perusing and examining the proceedings of the second respondent dated 29.09.2020 as well as the counter affidavit filed by the fourth respondent, which supports the stand of the second respondent, this Court finds that nothing survives in this writ petition for further adjudication.

6. Recording the submissions made by the learned Standing Counsel for the second respondent and proceedings of the second respondent dated 29.09.2020, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Executive Engineer,
Aruppukottai Distribution,
TANGEDCO,
Aruppukottai S S Campus,
Aruppukottai, Virudhunagar District.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-20572[F] dated 19/10/2020)

+1 CC to M/s.ANANTH C. RAJESH, Advocate (SR-20577[F] dated 20/10/2020)

**W.P(MD).No.13615 of 2020
16.10.2020**

NR (02/11/2020) 3P : 5C

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