



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.6314 of 2016

B.Padmaja

... Petitioner

Vs

- 1 The State of Tamilnadu,
Rep. by its Secretary to Government,
Commercial Tax Department,
St.George Fort, Chennai-600 009
- 2 Kalaimaghal Sabha,
Rep. by its President,
No.67 New Pallipalayam Road,
Komarapalayam,
Salem District-638 183.
- 3 The Joint Receivers,
Old No.17 New No.48,
North Ushman Road,
T.Nagar Chennai-17

... Respondents

PRAYER:

This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the Respondents to re-convey the Title of the Petitioners land to an extent of 2 Acre 31 cents in S.Nos. 445/B1, 446, 447/B, 448/A2, 448/A3, 448/B4 and 97 cents in 441/1, 444/A1, 444/A4, 441/B, 445/A1, 445/A2, 448/B2 and 448/B3 at Thanigai Porur Village, Vellore District, by receiving the Sale consideration as per the current guide line value based on her recent representation dated 11.09.2014.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.V.Nanmaran (for R1)
Government Advocate.
Mr.A.Thameem Mohideen (for R3)
No appearance (for R2)



O R D E R

The relief sought for in the present writ petition is to direct the respondents to re-convey the Title of the Petitioner's land to an extent of 2 Acre 31 cents in S.Nos. 445/B1, 446, 447/B, 448/A2, 448/A3, 448/B4 and 97 cents in 441/1, 444/A4, 441/B, 445/A1, 445/A2, 448/B2 and 448/B3 at Thanigai Porur Village, Vellore District, by receiving the Sale consideration as per the current guideline value based on her recent representation dated 11.09.2014.

2. The petitioner states that during year 1996-97, the persons deputed by the 2nd respondent Kalaimaghal Sabha, came to her village and by using illiteracy and ignorance purchased their agricultural lands for paltry price. The petitioner states that she has been cheated and therefore, she is constrained to move the writ petition for reconveyance of her lands.

3. It is not in dispute that there are several allegations against the activities of the 2nd respondent Kalaimaghal Sabha and the Court also appointed Joint Receivers and they were directed to take charge of the properties so purchased by the 4th respondent Society therein [Kalaimaghal Sabha] as well as the funds available and the entire accounts and to take care of the affairs of the Society for the purpose of distributing the outcome of the properties purchased for the benefit of its members from the sale proceeds of the same and the funds available in the Society for that purpose. The procedures to be followed by the Joint Receivers are also formulated by this Court. The petitioner is also aware of the order dated 30.03.1999 passed by this Court in WP No.514 of 1999.

4. This being the factum, this Court cannot adjudicate the issues in this writ petition for the purpose of reconveyance of land and for such reconveyance, an adjudication is required and verification of title and other aspects are also to be looked into by the competent authorities. Such a roving enquiry cannot be conducted by a writ Court under Article 226 of the Constitution of India. Further, the Joint Receivers were appointed to deal with the 2nd respondent Society [Kalaimaghal Sabha].

5. Therefore, the petitioner has to establish her case before the Joint Receivers and if necessary before the competent authorities. Thus, the petitioner is at liberty to approach the competent authorities for the purpose of redressing her grievances in the manner known to law. If any such application is filed before the competent authorities by the writ petitioner, the same shall be looked into and be dealt with on



merits and in accordance with law.

6. With these observations, the writ petition stands disposed of. No Costs.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government,
State of Tamilnadu,
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- 2 The President,
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No.67 New Pallipalayam Road,
Komarapalayam,
Salem District-638 183.
- 3 The Joint Receivers,
Old No.17 New No.48,
North Ushman Road,
T.Nagar Chennai-17

+lcc to Mr.K.Thilageswaran, Advocate, S.R.No.47682

+lcc to the Spacial Government Pleader (Taxes), S.R.No.48270

WP No.6314 of 2016

SRA(CO)
CT/12/10/2021