



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20658 of 2021
and
W.M.P.No.21920 of 2021

1.J.Deepika
2.J.Beena
3.S.Tharakeswari ... Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Adi Dravidar Welfare Department,
Fort St. George, Chennai - 600 009.
2.The District Collector,
Kallakurichi District - 606 202.
3.The Special Tahsildar,
Harijan Welfare Scheme,
Kallakurichi - 606 202.
Kallakurichi District.
4.The Tahsildar,
Sankarapuram - 606 401,
Kallakurichi District. ... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 2 to 4 herein to forthwith carry out the mutation in the revenue records in respect of the lands of the petitioners of an extent of 1 acre and 67 cents in Kattuvananjur Village, Sankarapuram Taluk, Kallakurichi District, in Survey Nos.257/9, 257/10, 257/11, 257/12, 257/13, 257/14 and 257/15.

For Petitioners : Ms.AL.Ganthimathi

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate



ORDER

This writ petition has been filed to issue a Writ of Mandamus directing the respondents 2 to 4 herein to forthwith carry out the mutation in the revenue records in respect of the lands of the petitioners of an extent of 1 acre and 67 cents in Kattuvananjur Village, Sankarapuram Taluk, Kallakurichi District, in Survey Nos.257/9, 257/10, 257/11, 257/12, 257/13, 257/14 and 257/15.

2. The case of the petitioners is that the land comprised in Survey Nos.257/9, 257/10, 257/11, 257/12, 257/13, 257/14 and 257/15 to an extent of 1 acre 67 cents situated at Kattuvananjur Village, Sankarapuram Taluk, Kallakurichi District belonged to the first petitioner's grandfather. By the registered partition deed dated 14.03.1990 between the first petitioner's father and his aunt there were in possession and enjoyment of their respective shares.

3. While being so, in the year 1999, the property was sought to be acquired under the 4(1) notification dated 12.03.1999. It was challenged in W.P.No.8165 of 1999 and the same was allowed and aggrieved by the same, the respondents filed writ appeal in W.A.No.312 of 2009 and the same was also dismissed. Aggrieved by the same, they filed Special Leave Petition before the Hon'ble Supreme Court of India in S.L.P. (Civil) No.3752 of 2015 and the same was dismissed by an order dated 10.08.2016.

4. It is also seen that the adjacent land owners also challenged the order passed by the third respondent, thereby rejecting their request of mutating the Revenue records after quashment of the acquisition proceedings in W.P.No.31262 of 2015 and this Court by an order dated 11.08.2021 set aside the said order and the third respondent was directed to transfer the patta and mutate all the Revenue Records in favour of the respective owners.

5. Insofar as the petitioner's land is concerned, even after quashment of the acquisition proceedings the third respondent did not mutate the Revenue Records in favour of the petitioners. On the instructions of the learned counsel for the respondents submitted that though the S.L.P.(Civil) No.3752 of 2015 was dismissed, it was dismissed for default. They filed petition to restore the S.L.P.(Civil) No.3752 of 2015 and it is pending. Even till today, after the period of 6 years the respondent did not take any steps to restore the S.L.P.(Civil) No.3752 of 2015 and by an order dated 10.08.2016 obtained finality.



6. Therefore, this Court deemed it fit to direct the respondents 2 to 4 to carry out the mutation of the Revenue Records in respect of the subject land comprised in Survey Nos. 257/9, 257/10, 257/11, 257/12, 257/13, 257/14 and 257/15 admeasuring 1 are 67 cents in favour of the petitioners within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No order as to costs. Consequently, the connected W.M.P.No.21920 of 2021 is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rna

To

- 1.The Secretary to Government, Adi Dravidar Welfare Department,
Fort St. George, Chennai - 600 009.
- 2.The District Collector,
Kallakurichi District - 606 202.
- 3.The Special Tahsildar, Harijan Welfare Scheme,
Kallakurichi - 606 202, Kallakurichi District.
- 4.The Tahsildar, Sankarapuram - 606 401,
Kallakurichi District.

+1cc to M/s.AL.Gandhimathi, Advocate, S.R.No.57555

+1cc to the Government Pleader, S.R.No.57928

W.P.No.20658 of 2021
and W.M.P.No.21920 of 2021

SJ(CO)
SB(26/11/2021)