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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

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THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.32544 of 2019

G.Chitra

... Petitioner

Vs

1.The District Collector,
Cuddalore District,
Cuddalore 607 001

2.Assistant Director of Survey and Land Records,
District Survey Office,
Cuddalore District,
Cuddalore

3.The Tahsildar (Revenue),
Cuddalore Taluk,
Cuddalore

4.The Principal Secretary,
Secretary to Government,
Revenue Department,
Fort St.George,
Chennai 600 009

(R4 impleaded as per order dated 29.01.2020
made in WMP.No.1970 of 2020 in
WP.No.32544 of 2019)

...

Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay the compensation to the petitioner for utilizing the petitioner's land in S.No.45 (T.S.No.256) to an extent of 0.12 cents and S.No.47 (T.S.No.258) to an extent of 2.55 cents, totally 2.67 acres in ward No.3, Block No.10, Sellukuppam Village, Cuddalore Taluk and District at the present market value together with 18% interest from the date of utilizing the land till the date of payment of compensation amount within a time frame.



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For Petitioner : Mr.V.Sakkarapani

For Respondents : Mr.A.Selvendran,
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Mandamus directing the respondents to pay the compensation to the petitioner for utilizing the petitioner's land in S.No.45 (T.S.No.256) to an extent of 0.12 cents and S.No.47 (T.S.No.258) to an extent of 2.55 cents, totally 2.67 acres in ward No.3, Block No.10, Sellukuppam Village, Cuddalore Taluk and District at the present market value together with 18% interest from the date of utilizing the land till the date of payment of compensation amount.

2. The case of the petitioner is that her husband Govindasamy and his brothers obtained property by the Will executed by their father dated 07.09.1954 registered vide document No.1720 of 1954 on the file of the Sub Registrar, Cuddalore, in which the petitioner's husband derived title for the property to an extent of 0.12 cents comprised in survey No.45 and 2.55 acres in T.S.No.47 to an extent of 2.67 acres (hereinafter called as 'subject property') situated at ward No.3, Block No.10 of Sellukuppam Village, Cuddalore by the registered partition deed dated 28.12.1994 vide document No.647 of 1995 at the Office of the Sub Registrar, Cuddalore. He died due to illness on 20.11.2007. Thereafter, the petitioner came to understand that the entire property was taken by the Government to construct houses for tsunami affected persons. Therefore, the petitioner is being the wife of the deceased Govindasamy, made representation to award compensation at the present market value together with interest.

3. The respondents filed counter, which revealed that admittedly the subject property owned by the petitioner's husband to an extent of 2.67 acres. On receipt of representation from the petitioner, the third respondent was directed to conduct enquiry. The third respondent conducted enquiry and recorded the statement from one, K.N.Thangamani and the petitioner herein. The said Thangamani who is none other than the President of the Sellukuppam Village Administrative Security Committee. After tsunami, the Non Government Organisation i.e. Church's Auxiliary for Social Action (CASA) involved in the tsunami rehabilitation and reconstruction programme in Cuddalore District came forward



to construct permanent houses in the Sellukuppam village and other villages, in total 548 houses for the tsunami affected victims through Methodist Engineering Company.

3.1 Accordingly, the said K.N.Thangamani approached the husband of the petitioner to purchase the subject property for the total sale consideration of Rs.8,01,000/-. On receipt of a sum of Rs.1,00,000/- as an advance, the petitioner's husband executed agreement for sale on 06.03.2006 in favour of the said K.N.Thangamani. Thereafter, on various dates, he received total sum of Rs.6,95,000/-, in total 7,95,000/-. Unfortunately the petitioner's husband i.e. Govindasamy died on 20.11.2007. Therefore, the sale deed could not be executed in favour of the said K.N.Thangamani. However, on receipt of almost entire sale consideration, the said property was handed over to K.N.Thangamani and completed construction of houses for the tsunami affected victims. In fact, tsunami affected victims have taken possession of their respective houses and they are living there. In fact, the statement of the petitioner before the third respondent also revealed that she knew the fact that her husband executed unregistered sale deed in favour of the said Thangamani and also confirmed the signature of her husband found in the said deed. However, she was not informed by her husband about the receipt of sale consideration. That apart, the tsunami affected victims also made several applications for issuance of patta and those are all pending for the reason that the present writ petition is pending. All the tsunami affected victims' statements were recorded by the third respondent and confirmed the same. Therefore, Non Government Organisation i.e. Church's Auxiliary for Social Action (CASA) who volunteered to construct houses for tsunami affected victims and the said Non Government Organisation had ceased to function after relief and rehabilitation works of tsunami.

3.2 The Revenue Divisional Officer earlier conducted detailed enquiry and filed his report dated 22.10.2021. The said report revealed the transaction between the petitioner's husband and the said K.N.Thangamani and at no point of time, the land belonged to the petitioner's husband had been acquired for construction of houses for tsunami affected victims. As such they are not liable to be pay any compensation to the petitioner. That apart, the Government has only facilitated the process of construction of tsunami houses by Non Government Organisation i.e. Church's Auxiliary for Social Action (CASA) and the Government never involved in acquisition process. The Tamilnadu Slum Clearance Board also stated by their letter dated 23.01.2021 that no houses have been constructed in the land belonged to the



petitioner's husband for tsunami affected victims.

4. In view of the above, the writ petition is devoid of merits and liable to be dismissed. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to approach the civil court as against the Non Government Organisation i.e. Church's Auxiliary for Social Action (CASA) and the said K.N.Thangamani in the manner known to law, if so advised. It is also made clear that the pendency of any of the proceedings between the petitioner and the Non Government Organisation i.e. Church's Auxiliary for Social Action (CASA) and K.N.Thangamani is not an impediment for the revenue officials for issuance of patta to the tsunami affected victims. No order as to costs.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1.The District Collector,
Cuddalore District,
Cuddalore 607 001

2.Assistant Director of Survey and Land Records,
District Survey Office,
Cuddalore District,
Cuddalore

3.The Tahsildar (Revenue),
Cuddalore Taluk,
Cuddalore

4.The Principal Secretary,
Secretary to Government,
Revenue Department,
Fort St.George,
Chennai 600 009

+1cc to the Government Pleader, SR.No.60062

WP.No.32544 of 2019

PL(CO)
CB(01/12/2021)