

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 29103 of 2017

A.R.K.Varatharajan

... Petitioner

Vs

1.The District Collector,
Collectorate,
Salem District - 1.

2.The District Revenue Officer,
Collectorate,
Salem - 1.

3.The Revenue Divisional Officer,
Collectorate,
Salem District - 1.

4.The Tahsildar,
Salem West Taluk Office,
Suramangalam & Post,
Salem District.

5.The Executive Engineer cum Administrative Officer,
Salem Housing Board Division,
Iron Thirumalagai Road,
Salem - 8.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first and second respondents herein to consider the petitioner's representation dated 31.12.2016 and reminder representation dated 06.08.2017 to correct and rectify the mistake or to remove the name in A-register in S.No.245/8 to the extent of 17000 square feet and T.S.L.R.No.21 situated in Jazirammappalayam Village, Salem West Taluk & District belongs to the petitioner.

For Petitioner : Mr. Priyan Tamil

For Respondents 1-4: Mrs. A.Madhumathi
Special Government Pleader

For Respondents 5 : Mr. Sathish

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus directing the first and second respondents herein to

consider the petitioner's representation dated 31.12.2016 and reminder representation dated 06.08.2017 to correct and rectify the mistake or to remove the name in A-register in S.No.245/8 to the extent of 17000 square feet and T.S.L.R.No.21 situated in Jazirammalayam Village, Salem West Taluk & District belongs to the petitioner.

2. The petitioner states that he is the absolute owner of the property to an extent of 17,000 Sq.ft. in Survey No. S.No.245/8 in Jazirammalayam Village, Salem West Taluk & District, by virtue of a sale deed dated 25.06.2010. It is stated that land acquisition proceedings were initiated and that in the Writ Petition filed in W.P. No.20238 of 2015, this Court quashed the acquisition proceedings in respect of the petitioner's lands. However, the revenue records appears to have been changed in the name of Tamil Nadu State Housing Board. The petitioner, after giving representation to the respondents, has filed the present Writ Petition to modify the name in revenue records.

3. Learned counsel appearing for the fifth respondent admitted that the proceedings initiated under the Land Acquisition Act was quashed by this Court and that an appeal is pending before Hon'ble Supreme Court. He further stated that the validity of the acquisition proceedings depends upon the outcome of the order of Hon'ble Supreme court.

4. The fact that the acquisition proceedings was quashed by this Court in the Writ Petition long back is not in dispute. Once the acquisition proceedings was quashed and the order of this court is not stayed, this Court cannot allow the Requisition Department namely the Tamil Nadu State Housing Board to claim ownership over the property. When a representation was made by the petitioner in the year 2016 to restore revenue records in the name of the petitioner, the same ought to have been considered in favour of the petitioner when it is informed to the respondents that the acquisition proceeding had been quashed by this Court. Since the notification issued under Section 4(1) and 6 of the Land Acquisition Act has been quashed the Housing Board is not supposed to approach the respondents to keep the revenue records in the name of Tamil Nadu State Housing Board. It will be against the order of this Court in making a statement before the Revenue Officials that the Tamil Nadu State Housing Board should hold the land till a decision comes from Hon'ble Supreme Court in the appeal stated to have been filed by the Tamil Nadu State Housing Board.

5. This Court is inclined to allow this Writ Petition. The respondents 1 and 2 are directed to consider the representation of the petitioner within a period of four weeks from the date of receipt of a copy of this order and to correct or rectify the mistake by removing the name of Housing Board in A-register or in revenue records and to keep the

revenue records in the name of petitioner. The modification of the revenue records in favour of the petitioner should be effected in all the records by the fourth respondent. It is made clear that in case the respondents 3 and 4 do not restore the revenue records in favour of the petitioner, the conduct or negligence will amount to contempt so as to enable the petitioner to proceed against the respondents for committing contempt.

6. This Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

- 1.The District Collector,
Collectorate,
Salem District - 1.
- 2.The District Revenue Officer,
Collectorate,
Salem - 1.
- 3.The Revenue Divisional Officer,
Collectorate,
Salem District - 1.
- 4.The Tahsildar,
Salem West Taluk Office,
Suramangalam & Post, सत्यमेव जयते
Salem District.
- 5.The Executive Engineer cum Administrative Officer,
Salem Housing Board Division,
Iron Thirumalagai Road,
Salem - 8.

+lcc to Mr.I.Sathish, Advocate, S.R.No.7031

+lcc to the Government Pleader, S.R.No. 6655

W.P. No. 29103 of 2017

SV(CO)

GN(23/03/2021)