



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.21319 of 2015

and

M.P. (MD)Nos.2 and 3 of 2015

WEB COPY

- 1.Ramalakshmiammal
- 2.Gothailakshmi
- 3.Jayasree

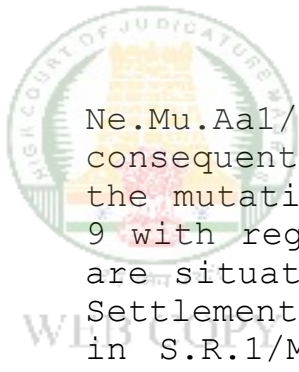
... Petitioners

vs.

- 1.The Additional Principal Secretary,
The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai - 5.
- 2.The District Collector,
Office of the District Collectorate,
Virudhunagar District.
- 3.The District Revenue Officer,
Office of the District Revenue Officer,
Virudhunagar, Virudhunagar District.
- 4.The Revenue Divisional Officer/Sub Collector,
Office of the Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
- 5.The Tahsildar,
Sivakasi Taluk, Office of the Revenue Tahsildar,
Sivakasi, Virudhunagar District.
- 6.The Deputy General Manager,
M/s.Tamil Nadu Cements Corporation Limited,
Alangulam, Virudhunagar District.
- 7.The Executive Officer,
Arulmigu Karunellilnaganathar Swamy Temple,
Thiruthangal, Sivakasi Taluk,
Virudhunagar District.
- 8.Subha
- 9.Prasad

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records from the fourth respondent relating to the impugned order passed by him in his proceedings in



Ne.Mu.Aa1/8199/2013, dated 18.08.2015 and quash the same and consequently, to direct the fourth and fifth respondents to effect the mutation in the name of the petitioners and respondents 8 and 9 with regard to the lands comprised in S.No.220/2 and 241, which are situated at Naranapuram Village as per Order of the Assistant Settlement Officer, Madurai, dated 23.05.2000 in his proceedings in S.R.1/Minor Inam/Sattur/96 (Re-enquiry) without referring the matter to the first respondent for disposal by the first respondent.

For Petitioner :Mr.K.M.Ramesh
for Mr.P.Senthurpandian
For R1 to R6 :Mr.D.Ghandiraj
Special Government Pleader
For R7 :Mr.P.Mahendran

O R D E R

This Writ Petition has been filed in the nature of Certiorarified Mandamus, questioning the order, dated 18.08.2015, in Ne.Mu.Aa1/8199/2013, passed by the fourth respondent/Revenue Divisional Officer/Sub Collector, Sivakasi, Virudhunagar District. In effect, the said official had not passed any order. He called upon the contesting parties to go before the first respondent and obtain necessary orders with respect to the lands in S.Nos.220/2 and 241, which are situated at Naranapuram Village, in which an order had been passed by the Assistant Settlement Officer, Madurai, dated 23.05.2000 in his proceedings in S.R.1/Minor Inam/Sattur/96 (Re-enquiry).

2.It is claimed that the said order, dated 23.05.2000, was passed by the Assistant Settlement Officer, Madurai, *ex parte*. As against the order of the Assistant Settlement Officer, Madurai, an appeal had been preferred before the fourth respondent/Revenue Divisional Officer/Sub Collector, Sivakasi, Virudhunagar District.

3.In the impugned order, dated 18.08.2015, the fourth respondent had not actually applied his mind to the dispute, but rather had focussed his attention to a circular issued by the Chief Secretary/Commissioner of Land Administration, Chennai, in Letter, dated 14.02.2001, in D.O.Rc.K1/36249/20060, wherein, it had been observed that the Sub Collectors, who examine issues with respect to applications of ryotwari patta and also with respect to grant of patta, wherein the issues are outside the scope of Act 26 of 1963 and Act 30 of 2003, the revenue authorities cannot entertain such applications for grant of patta outside the scope of the Abolition Acts after the last date. After observing and extracting the said circular, the fourth respondent herein had finally directed that the entire records to be forwarded to the



Commissioner, Land Administration, Chennai, for further and appropriate adjudication. Questioning that particular order, the present Writ Petition has been filed.

4. Heard Mr.K.M.Ramesh, learned Counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader for R1 to R6 and Mr.P.Mahendran, learned Counsel for the 7th respondent.

5. In view of the fact that the Writ Petition has been pending for the past six years, a direction is given to the fourth respondent/Revenue Divisional Officer/Sub Collector, Sivaksai, Virudhunagar District, after locating the entire bundle with respect to his proceedings in Ne.Mu.Aa1/8199/2013, dated 18.08.2015, to forward the entire records to the office of the Commissioner of Land Administration, Chennai. It is hoped that such exercise would be completed within a period of four weeks from the date of receipt of a copy of this order. On receipt of such records, the Commissioner of Land Administration, Chennai, may examine the records and issue notice to all the parties concerned, particularly, the Writ Petitioner herein and also 7th, 8th and 9th respondents herein.

5.1. The parties are also permitted to file fresh representation or any other written submissions before the Commissioner of Land Administration, and also produce documents. The Writ Petitioner may also enquire from the office of the Commissioner of Land Administration, whether, the records have been forwarded by the first respondent as directed supra by this Court and if the records are not available, may make an application to reconstruct the same to the extent possible. A direction is given to the Commissioner, Land Administration, Chennai, to proceed further with the hearing of the said matter and dispose of the same within a period of twenty weeks from the date on which records are made available following due procedure,

6. With the aforesaid directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

cmr



To

- 1.The Additional Principal Secretary,
The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai - 5.
- 2.The District Collector,
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Virudhunagar District.
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Office of the District Revenue Officer,
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- 4.The Revenue Divisional Officer/Sub Collector,
Office of the Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
- 5.The Tahsildar,
Sivakasi Taluk, Office of the Revenue Tahsildar,
Sivakasi, Virudhunagar District.

Copy to
The Commissioner,
Land Administration, Chennai.

+1 CC to M/s.P. SENTHURPANDIAN, Advocate (SR-35981[F] dated 26/11/2021)

+1 CC to M/s.SPL GP (SR-36066[F] dated 26/11/2021)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-36238[F] dated 29/11/2021)

W.P. (MD) No. 21319 of 2015
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RD(07/12/2021) 4P 10C