



W.P.No.24518 of 2013

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M.DHANDAPANI. J.,

Today, when the matter is taken up for hearing on being mentioned, learned counsel for the petitioner submitted that a typographical error has been made in paragraph No.1 of the order dated 25.08.2022, which is irrelevant to the present Writ Petition. He further submitted that the respondents 5 to 7 were omitted to be typed in the cause title. Therefore, necessary correction be made to paragraph No.1 and in the cause title of the order dated 25.08.2022.

2. A perusal of paragraph No.1 reveals that an erroneous submission has been recorded. Accordingly, paragraph No.1 of the order dated 25.08.2022 passed by this Court shall stand replaced with the following:

" This Writ Petition has been filed for issuance of writ of Certiorarified Mandamus to call for the records relating to the proceeding of the second respondent herein vide R.Dis.K4/ 1080/92 culminating in his order dated 03.03.1997 as



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confirmed by the first respondent vide its Letter No.7425/ FR-3/2012-5 dated 23.1.2013 quash the same and direct the respondents to deliver possession of the properties comprised in Old Survey Nos.2826/1, 2898, 2917/1, 2741/1A, 2742 correlated to R.S. Nos.783, 785/2, 779, 766/1 etc , Azhakiapandipuram Village, Thovalai Taluk, Kanyakumari District and such other properties in the same Village as may be found belonging to them as per the ozhugu document and other revenue records to the petitioners herein.”

3. Further respondents 5 to 7 shall be included in the cause title as follows:

5. The Tahsildar
Thovalai Taluk,
Kanyakumari District.

6. The District Forest Officer,



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Kanyakumari District,
Nagercoil.

7. The Commissioner and Secretary to Government,
Forest and Environment Department
Chennai – 600 009.

4. Registry is directed to change the above mentioned paragraph No.1
of the order dated 25.08.2022 and the cause title and issue fresh order copy
to the parties.

5. In other respects, the order dated 25.08.2022 shall remain
unaltered.

31.10.2022

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RAP

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24518 of 2013

1.B.T.N.Savithiri

2.N.P.Saji

3.N.P.Bindu

..Petitioners

Vs.

1.The State of Tamil Nadu
rep.by its Secretary,
Revenue Department,
Fort St.George, Chennai 600 009.

2.The Special Commissioner and Commissioner of
Land Administration,
Chepauk, Chennai 600 005.

3.The Assistant Settlement Officer,
Madurai.

4.The District Collector,
Kanyakumari District, Nagercoil.

...Respondents

Prayer:Writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus Calling for the records relating to the proceeding of the second respondent herein vide R.Dis.K4/

5/12



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1080/92 culminating in his order dated 3.3.1997 as confirmed by the first respondent vide its Letter No.7425/ FR-3/2012-5 dated 23.1.2013 quash the same and direct the respondents to deliver possession of the properties comprised in Old Survey Nos.2826/1 2898 2917/1 2741/1A 2742 correlated to R.S. Nos.783 785/2 779 766/1 etc Azhakiapandipuram Village, Thovalai Taluk, Kanyakumari District and such other properties in the same Village as may be found belonging to them as per the ozhugu document and other revenue records to the petitioners herein.

For petitioners : Mr.C.K.Chandrasekar
for M/s.R.Annamalai
For Respondents : Ms.Akila Rajendran
Government Advocate

ORDER

This Writ Petition has been filed for issuance of writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent relating to the impugned G.O.(Ms) No.210 dated 29.5.2015 and quash the same and consequently direct the 1st respondent to pass the Government Order for Renewal of Lease for the 202.42.0 Hectare land in Survey No.148 and Survey No.149/1 (Land classified as Kazhuveli) in Kanthadu Village , Tindivanam Taluk, Villupuram District, in favour of the petitioner.



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2. The case of the petitioners is that the properties comprised in Old S.F.No.s2826/1, 2898, 2914/1, 2741/1A and 2742 correlated to R.S.No.783, 785/2, 779, 766/1 etc., of Azhakiyapandipuram Village, thovalai Taluk, in Kanyakumari District, measuring a total extent of 1760.20 acres, originally belonged to the ancestors of the petitioners and the said lands were gifted in favour of their forefathers by way of Dhanam and thereafter his forefathers were in exclusive possession and enjoyment of the said properties. While so, there were certain tanks and kals (stones) inside the said properties and the then Government treated those areas as poromboke land and hence, representations were made by the petitioner's ancestors to rectify the said mistakes, however those petitions were rejected by the Government by its order 22.08.1951 and in the said order a direction was issued to the ancestors to approach the court of law, if they were so advised and hence, the father in law of the 1st petitioner viz., P.Govindan Namboothiripad, filed a suit in O.S.No.132/1952 on the file of the District Court, Nagercoil, seeking declaration of title over those tanks and the said Suit was later transferred to the District Munsif court, Kuzhithurai in O.S.No.52/1958 and



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the said Suit was decreed in favour of the said P.Govindan Namboothiripad, vide decree dated 10.04.1959. Against the said decree, the Government has filed an appeal before the District Court, Nagercoil, in A.S.No.132/1959, which was later transferred to the Sub Court, Nagercoil and renumbered as A.S.No.258 of 1959 and the said appeal was dismissed by the Additional Sub Court, Nagercoil by judgment dated 15.02.1960 and against which, the State has preferred Second Appeal in S.A.NO.330/1961 and the Second Appeal also dismissed on 14.03.1963, upholding the ownership of the said P.Govindan namboothiripad and no further appeal had been filed against the Second Appeal Judgment. After the death of the said Govindhan Namboothiripad, his son viz., Padmanabhan Namboothiripad, the husband of the 1st petitioner, submitted a petition dated 07.01.1992 before the 2nd respondent for issuance of patta in respect of all the lands covered by the Dhanam including the properties which were the subject matter of the Suit. However, the 2nd respondent without considering the decree passed by the Civil Court, has rejected the said petition by an order dated 03.03.1997. Against which, the said Padmanabhan Namboothiripad, filed a review



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petition before the Minister of Revenue on 21.09.1997 and in the meantime, the said Padmanabhan Namboothiripad died, leaving behind his legal heirs.

While so, the 1st respondent has passed the impugned order dated 23.01.2013, stating that no patta can be issued in respect of any forest land and since the total area is notified as reserved forest. Aggrieved by the said order, the petitioners has preferred this petition.

3. The learned counsel appearing for the petitioners submitted that it would suffice if this Court permits the petitioners to make fresh claim before the 1st respondent with regard to the eight acres of the Tank, owned by the petitioner's predecessor as upheld in S.A.No.330/1961 and the said request may be considered in the manner known to law.

4. The learned Government Advocate appearing for the respondents has no serious objections for the said order being passed.

5. Considering the limited request sought for by the petitioner, this Court without going into the merits of the case, and without interfering with



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the impugned order, permits the petitioners to make fresh claim before the 1st respondent with regard to the eight acres of the Tank, alleged to have been owned by the petitioner's predecessor as per order in S.A.No.330/1961 and if the petitioners are entitled to get compensation in respect of the said 8 acres of land, the same may be considered by the 1st respondent in the manner known to law.

6. This Writ Petition is dismissed with the above observations. No costs. Consequently connected miscellaneous petitions are closed.

25.08.2022

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To

- 1.The Secretary,
Revenue Department,
Fort St.George, Chennai 600 009.
- 2.The Special Commissioner and Commissioner of
Land Administration,
Chepauk, Chennai 600 005.
- 3.The Assistant Settlement Officer,
Madurai.
- 4.The District Collector,
Kanyakumari District, Nagercoil.



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