



W.P.No.14287 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14287 of 2022

1. Tamilselvi R
2. Malathi R
3. Priya R
4. Nagarajan R

... Petitioners

Vs.

The Tahsildar,
Madhavaram Taluk Office,
Madhavaram, Chennai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to issue joint patta in favour of the petitioners viz. 1. Tamilselvi R, 2. Malathi R, 3. Priya R, 4. Nagarajan R in respect of the property measuring an extent of 1 acre comprised in Manavari Punja S.No.67/1, both under old Patta No.7, New Patta No.1 issued in favour of Sithi Puthi Vinayagar Temple situated in Old No.63, New No.56, Kadirvedu Village, Saidapet Taluk, then Chengai Anna District within the jurisdiction of Kadirvedu Panchayat on the basis of the representation made by the petitioners dated 05.10.2021.



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For Petitioners : Mr.B.Govindaprabu
For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondent to issue joint patta in favour of the petitioners viz. 1. Tamilselvi R, 2. Malathi R, 3. Priya R, 4. Nagarajan R in respect of the property measuring an extent of 1 acre comprised in Manavari Punja S.No.67/1, both under old Patta No.7, New Patta No.1 issued in favour of Sithi Puthi Vinayagar Temple situated in Old No.63, New No.56, Kadirvedu Village, Saidapet Taluk, then Chengai Anna District within the jurisdiction of Kadirvedu Panchayat on the basis of the representation made by the petitioners dated 05.10.2021.

2. The case of the petitioners is that the property measuring an extent of 2.14 acres comprised in Manavari Punja S.No.67/1, under old Patta No.7, New Patta No.1, issued in favour of Sithi Puthi Vinayagar Temple, situated in Old No.63, New No.56, Kadirvedu Villlage, Saidapet Taluk, Chengai



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Anna District within the jurisdiction of Kadirvedu Panchayat, was purchased by petitioners' father V.Radhakrishnan under a Registered Sale Deed, dated 12.03.1990, vide Document No.1760 of 1990 from one R.R.S.Ekambara Chettiar and others. Thereafter, the petitioners have obtained Joint Patta along with their mother vide Patta No.4076 in respect of 1 acre out of 2.14 acres. During the life time of the petitioners' father, he sold 1 acre to some third party and retained 1.14 acres in his name. After the demise of the petitioners' father, the petitioners are the surviving legal heirs to succeed his estate of 1.14 acres of land. Further, land acquisition proceedings were initiated under the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") for the development of a proposed canal by name Madhavaram Left Flank Water Surplus Course. The actual land acquisition proceedings commenced with issuance of Notification under Section 4(1) of the Act on 02.02.2005 and subsequently the award was passed on 30.11.2006. Challenging the said land acquisition proceedings, the petitioners filed Writ Petition and the same was dismissed, against which, the petitioners preferred an appeal along with other land owners in Civil Appeal Nos.8700, 8701, 8702, 8703, 8704 of 2013, and vide judgment dated 10.09.2014, the Hon'ble Apex Court quashed the entire



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land acquisition proceedings. However, after passing the award, the Revenue Records were mutated in favour of the Government. In order to rectify the error in the Revenue Records and to issue joint patta in favour of the petitioners, the petitioners made representation dated 05.10.2021 before the respondent. However, till date no order has been passed, and, therefore, the petitioners have filed the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, the learned counsel for the petitioners submitted that, it would suffice, if this Court issues direction to the respondent to consider the petitioners' representation dated 05.10.2021 and pass orders within a particular time frame stipulated by this Court.

4. The learned Special Government Pleader appearing for the respondent submitted that admittedly the petitioners' land was acquired for the public purposes and the petitioners had also received compensation of Rs.7,02,314/- vide Cheque No.477101 dated 15.06.2005. However, the said compensation amount was not returned to the respondent, though the scheme was quashed by the Apex Court. Hence, the patta was not mutated



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in favour of the petitioners. He further submits that on the petitioners repaying the compensation received along with interest, necessary orders carrying out mutation of Revenue Records will be made.

5. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

6. A perusal of the materials available on record reveal that pursuant to the land acquisition proceedings, which was assailed before this Court and, thereafter before the Hon'ble Supreme Court, vide order in C.A.Nos.8701 to 8704/2013, the Hon'ble Apex Court had quashed the acquisition proceedings. However, in the interregnum, the petitioners, pursuant to the award were paid compensation and Revenue Records were mutated. Therefore, without the petitioners repaying back the compensation amount along with interest, no relief can be granted to the petitioners for mutation of Revenue Records. It is also not disputed by the petitioners that they have not re-paid the compensation amount. This Court is of the considered view that the petitioners should be directed to repay the



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compensation amount of Rs.7,02,314/- along with interest.

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7. Accordingly, the compensation amount of Rs.7,02,314/- shall be returned along with interest at 6% per annum from 15.06.2005 till the date of payment and the said payment shall be made within a period of twelve weeks from the date of receipt of a copy of this order and upon receipt of the said payment, the respondent is directed to mutate the Revenue Records with the name of the petitioners within a period of four weeks thereafter.

8. This Writ Petition is disposed of with the aforesaid direction.

There shall be no order as to costs.

22.06.2022

Index : Yes / No
Speaking Order: Yes/No
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To
The Tahsildar,
Madhavaram Taluk Office,
Madhavaram, Chennai.

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M.DHANDAPANI,J.

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