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W.P.No. 16434 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No. 16434 of 2022

B.C. Abbulu Chetty

... Petitioner

Versus

1. The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai-600 009.

2. The Chairman-cum-Managing Director
Tamil Nadu Text Books Corporation
68, E.V.K. Sampath Maaligai,
D.P.I. Campus, College Road,
Chennai, Tamil Nadu-600 006.

3. The District Collector
Collectorate, Krishnagiri-635 001.

4. The Tahsildar
Krishnagiri-635 001.

5. The Tahsildar
Bargur - 605 104
Krishnagiri District.

... Respondents



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Prayer:

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Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider and pass suitable orders on the petitioner's representation dated 14.03.2022 and 06.04.2022 for compensation, within the time as may be stipulated by this Court.

For Petitioner : Mr. D. Shivakumaran

For Respondents : Ms. Akila Rajendran
Government Advocate

ORDER

This writ petition is filed seeking for a direction to the respondents to consider the petitioner's representations dated 14.03.2022 and 06.04.2022.

2. The case of the petitioner is that he is the owner of the properties measuring to an extent of 0.58.5 Hect in S.No.736/1 and 0.66.5 Hect in S.No.736/3 of Mallapadi Village, Bargur Taluk, Krishnagiri District, were in possession and enjoyment of the same. In the year 1993, the Tamil Nadu Text Book Corporation erected their Board in the subject lands and the



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respondent Nos.3 & 4 had tried to take possession of the lands forcibly.

Thereafter, the petitioner sent a legal notice dated 26.09.1993 and subsequently, he has filed a suit in O.S.No.144 of 1994 before the District Munsif Court, Krishnagiri District, against the respondents for declaration of his title of the properties assigned to him and for consequential permanent injunction to remove the sign board in the subject lands erected by the respondents. In spite of an order of injunction, the respondents took possession forcibly. As such, when the petitioner had already become the absolute owner of the assigned land, taking advantage of his innocence and illiteracy, the Tahsildar and Revenue Officer obtained many signatures from him in blank papers and blank forms under the pretext of arranging loans. Subsequently, he came to know that such signed papers and forms were stealthily used to create documents as if he has given statements that he has no objection for the Government taking the lands. After perusing the records, the trial Court passed the judgment and decree dated 27.02.2016, held that the documents have been fabricated by the Government Officials as if the petitioner has expressed no objection for the Government to take possession of the subject lands and as if he has also handed over the possession. Thus, the trial Court granted decree for declaring his title to the



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above said two properties and further directed the respondents to pay compensation within two months according to the Provisions of the Land Acquisition Act. Challenging the same, the respondents preferred an appeal in A.S.No. 44 of 2006 before the Principal Sub Court, Krishnagiri District, and the same was allowed and thereafter, the petitioner preferred an appeal in A.S. No. 78 of 2006 as against the refusal of some of the reliefs claimed by him, the same was dismissed. Aggrieved by the same, the petitioner preferred S.A.Nos.322 and 323 of 2010 before this Court and the same was allowed on 29.07.2019 and restored the judgment and decree of the trial Court. Thereafter, the petitioner informed the respondent Nos. 3 & 4 that the respondents preferred an appeal before the Hon'ble Apex Court, no notice was served upon him from the Hon'ble Apex Court. In view of the fact that it was held by this Court declaring his title and ownership regarding the lands measuring to an extent of 0.58.5 Hect. in S.No. 736/1 and 0.66.5 Hect in S.No. 736/3 of Mallapadi Village, Bargur Taluk, Krishnagiri District and steps ought to have been taken for acquisition of his lands according to law and compensation ought to be paid to him, but the same has not yet been done. Hence, the petitioner sent a representation dated 14.03.2022 and 06.04.2022 before the respondents requesting that



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suitable notification may kindly be issued for acquisition of the above said lands. After receiving the representations, the petitioner was called over phone by the Village Administrative Officer, Mallapadi, to appear before the Revenue Officials and the Revenue Officials can give Rs.2,00,000/- per acre as compensation with interest and benefits. In March 1998, when possession of subject lands were illegally taken from the petitioner, the value of the lands was not less than Rs.5,00,000/- per acre and even in the plaint, the same has been pleaded by way of amendment. After receiving the representations dated 14.03.2022 and 06.04.2022, the Revenue Officials have not taken any steps on the representations of the petitioner.

3. The learned counsel appearing for the petitioner would submit that the respondent Officials have not considered on the representations of the petitioner dated 14.03.2022 and 06.04.2022 in view of the judgment and decree passed by this Court in S.A.Nos.322 and 323 of 2010, dated 29.07.2019 regarding acquisition of the subject lands. Till date, the judgment and decree passed by this Court has not been complied with by the Revenue Officials.



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4. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's representations dated 14.03.2022 & 06.04.2022 and dispose of the same within a stipulated time that may be framed by this Court.

5. Having regard to the limited scope of the prayer that is now sought for in this writ petition and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation, the Writ Petition is disposed of, with a direction to the first respondent to consider the petitioner's representations dated 14.03.2022 and 06.04.2022 in terms of the judgment and decree passed by this Court in S.A.Nos.322 & 323 of 2010, dated 29.07.2019 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

30.06.2022

msm
Speaking Order/ Non Speaking Order
Index: Yes/ No

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M.DHANDAPANI,J.

msm

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