



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5050 of 2011

S.J.Gamaliel

...Petitioner

Vs.

1.The District Collector,
O/o District Collector,
Theni.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Tahsildar,
Periyakulam,
Theni District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent No.2 in his proceedings Roc.No.5241/2010/A-1, dated 07.03.2011 and quash the same and consequently, direct the second respondent to include the name of the petitioner in the revenue records as the owner of the land situated at Survey No.1208 of Vadaveeranaickenpatti Village of Vadapudupatti Hamlet, Theni District.

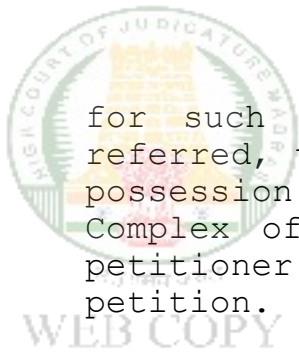
For Petitioner :Mr.K.Samidurai

For R1 to R3 :Mr.N.Ramesh Arumugam
Government Advocate

O R D E R

This writ petition is filed as against the proceedings in Roc.No.5241/2010/A-1, dated 07.03.2011.

2.By the impugned memo, the second respondent Revenue Divisional Officer, Periyakulam disposed of the petitioner's representation dated 10.02.2011 that the claim of the petitioner cannot be considered and informed that Survey No.1208, Periyakulam Taluk, Theni District, comprising an extent of 1-90-5 Hectares of dry land was in possession of Tamil Nadu State Bhoodan Board, as it was acquired by the Government, for establishing Theni District Master Plan Complex, as per the Government Orders in G.O.M.S(PT) No.452, Revenue Department, dated 14.05.1997 and G.O.Ms.(PT) No.682, Revenue Department, dated 26.06.1997. A separate permission was also obtained, as per letter 1193 /1997 from the Board, dated 17.10.1998

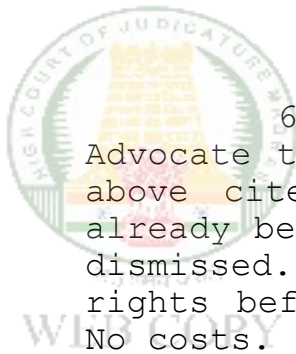


for such acquisition and possession. Based on the above orders referred, the land in Survey No.1208 and other lands were also taken possession by the Revenue Department for relocating the Master plan Complex of Theni District. The above information provided to the petitioner on his representation is under challenge in this writ petition.

3. The case of the petitioner is that he purchased a land measuring 5280 sq.ft of Plot Nos.159, 160,173, and 174 on 17.02.1997, bearing Survey No.1208, Vadaveeranaickenpatti Village, Vadapudupatti Hamlet, Theni District from one Ramasamy, vide Sale Deed Document No.692 of 1997 on 17.02.1997. As he proposed to construct a house, he applied for encumbrance certificate, he came to know from the second respondent letter dated 12.05.2010 that by proceedings No.O.Mu.No.2367/2010/A-1, the petitioner's land in Survey No.1208, measuring about 1.90.5 hectares has been taken by the State Bhoodan Board. According to the petitioner, the land measuring 5280 sq.ft in Survey No.1208 of Vadaveeranaickenpatti Village of Vadapudupatti Hamlet, Theni District on 17.02.1997 was purchased by him prior to the acquisition of land by Tamilnadu State Bhoodan Board and the same is reflected in the Encumbrance Certificate also. While so, the land was converted to Bhoodan Board without any notice to the petitioner/the land owner. Hence, the petitioner has filed this present writ petition.

4.The learned counsel appearing for the petitioner submits that no opportunity has been provided to the petitioner before acquiring the land. It is further stated in the proceedings that the land referred by the petitioner has been taken possession by the Government from its legal owner, by resorting to and adopting usual legal procedure as directed by the Government. He further submits that the impugned proceedings has been issued to the petitioner without verifying the registered document duly registered at Sub Registrar Office, Theni, in favour of the petitioner, in Document No.692/1997, dated 17.02.1997. Hence, the proceedings passed by the respondent is without any opportunity and against the principles of natural justice and therefore, the same is liable to be quashed.

5.The learned Government Advocate submits that the acquisition of the disputed land has been done, as per the Government Orders in G.O.M.S(PT) No.452, Revenue Department, dated 14.05.1997 and G.O.Ms.(PT) No.682, Revenue Department, dated 26.06.1997. Permission was also obtained, vide Letter No. 1193 / 1997 from the Bhoodan Board, dated 17.10.1998 for such acquisition and possession. Based on the above orders referred, the land in Survey No.1208 and other lands were also taken possession by the Revenue Department for relocating the Master plan Complex of Theni District. He further submits that now the lands in dispute is under possession of the Revenue Department, Theni District, wherein Theni District Collector office has already been established.



6.In view of the submission made by the learned Government Advocate that the lands were acquired by the Government as per the above cited Government orders and the District Collectorate has already been established in the subject land, this writ petition is dismissed. It is always open to the petitioner to establish his rights before the appropriate Forum, in the manner known to law. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

vrn

To

1.The District Collector,
O/o District Collector,
Theni.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Tahsildar,
Periyakulam,
Theni District.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-15162[F] dated 29/03/2022)

+1 CC to M/s.SPL GP (SR-15333[F] dated 30/03/2022)

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29.03.2022

RD(23.06.2022) 3P 6C