



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4919 of 2022

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P.Murugesan

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Commissioner of Land Reforms,
Chennai.

2.The District Collector,
Dindigul District,
Dindigul.

3.The District Revenue Officer,
Dindigul District,
Dindigul.

4.The Revenue Divisional Officer,
Palani,
Dindigul District.

5.The Tahsildar,
Ottanchathiram,
Dindigul District.

6.K.Selvi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents No.1 to 5 to conduct an enquiry regarding illegal transfer of Panjami Land belongs to the petitioner in Survey No.9/2 in an extent of 5 Acres situated at Kallimanthayam Village, Ottanchathiram Taluk, Dindigul District, in favour of the 6th respondent and consequently direct the respondents No.1 to 5 to hand over the said property to the petitioner by considering his representations, dated 20.12.2021, 30.12.2021 and 05.01.2022, within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.B.Saravanan for R1 to R5
Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 5 to conduct an enquiry regarding illegal transfer of Panjami Land belongs to the petitioner in Survey No.9/2, measuring an extent of 5 Acres situated at Kallimanthayam Village, Ottanchathiram Taluk, Dindigul District, in favour of the 6th respondent and consequently, direct the respondents 1 to 5 to hand over the said property to the petitioner by considering his representations, dated 20.12.2021, 30.12.2021 and 05.01.2022, within a time frame to be fixed by this Court.

2.Heard Mr.T.Thirumurugan, learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, appearing for the respondents 1 to 5.

3.According to the petitioner, the aforementioned land is Panchami land and no patta can be issued. However, behind the back of the petitioner, without giving any notice to him, the fifth respondent has issued patta in favour of the sixth respondent for the aforementioned property. According to the petitioner, his grandfather namely Thiruman Matharai was the owner of the aforementioned property and he has inherited the property from his grandfather. Hence, the petitioner has sent representations to the respondents, dated 20.12.2021, 30.12.2021 and 05.01.2022. Since the representations have not been considered till date, he has filed this writ petition.

4.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the sixth respondent and any other necessary party, whom the second respondent deems fit to enquire.

5.Accordingly, this Court directs the second respondent to consider the petitioner's representations, dated 20.12.2021, 30.12.2021 and 05.01.2022, requesting the official respondents to conduct an enquiry regarding the alleged illegal transfer of panchami land belonging to the petitioner in Survey No.9/2, measuring an extent of 5 Acres, situated at Kallimanthayam Village, Ottanchathiram Taluk, Dindigul District, in favour of the sixth respondent and hand over the same to the petitioner, on merits and in accordance with law and pass final orders, after affording a fair hearing to the petitioner and the sixth respondent as well as any other necessary party, whom the second respondent deems fit to enquire, within a period of four months from the date of receipt of a copy of this order.



6. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(P & A)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Principal Secretary, Commissioner of Land Reforms, Chennai.

2. The District Collector, Dindigul District, Dindigul.

3. The District Revenue Officer, Dindigul District, Dindigul.

4. The Revenue Divisional Officer, Palani, Dindigul District.

5. The Tahsildar, Ottanchathiram, Dindigul District.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-14763[F] dated 28/03/2022)

+1 CC to M/s.SPL GP (SR-14934[F] dated 28/03/2022)

W.P. (MD)No.4919 of 2022

24.03.2022

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TR(31.03.2022) 3P 8C