



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.8190 of 2022

and

W.M.P.[MD]Nos.6106 and 6107 of 2022

WEB COPY

1.N.Paramasivam

2.M.Rajakumar

3.M.Ramkumar

4.S.R.Kumar

5.S.R.Sekar

6.S.R.Kishore

7.Manikandarajan

8.Maikandakumar

9.G.Rajesh

... Petitioners

/Vs./

1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Revenue Department,
Fort St.George, Chennai-600 009.

2.The District Collector,
Nagercoil, Kanyakumari District.

3.The District Revenue Officer,
Nagercoil, Kanyakumari District.

4.The Tahisldar,
Thovalai Taluk, Boothapandi & Post,
Kanyakumari District.

5.The Revenue Inspector,
Azhagiapandipuram Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 to 5 not to interfere with the petitioners' possession of about 100 acres of land comprised in Survey Nos.426, 427, 428, 429, 430 and 431, Arumainallur Village, Thovalai Taluk, Kanyakumari District.

For Petitioners : Mr.V.Selvaraj,
For Mr.T.Arul

For Respondents : Mr.T.Amjad Khan,
Government Advocate.



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 to 5 not to interfere with the petitioners' possession of about 100 acres of land comprised in Survey Nos.426, 427, 428, 429, 430 and 431, Arumainallur Village, Thovalai Taluk, Kanyakumari District.

2.As seen from the typed set of papers filed along with this writ petition, a direction has been issued by a learned Single Judge at the Principal Seat of this Court on 21.02.2022 in WP.No.26808 of 2009 filed by some other land owners, which includes the petitioners also, which reads as follows:

6. The facts in the present case are not in dispute. The grievance of the petitioners is that the petitioners are rich pattadars and they were granted land under the Kuthagapattam and Kandukrishipattam Systems in the erstwhile Trivancore Cochin Government. For resumption of land, procedures have to be followed as per G.O.Ms.No.947 dated 02.03.1973, more particularly as per Clauses 5 and 6 of the said G.O and hence, they cannot be termed as "encroachers" through impugned G.O.Rt.No.377 dated 13.05.1993. Further the disputed land is required for public purpose i.e, BioDiversity and Agricultural Extension Centre. Hence, this Court is inclined to grant liberty to the 1st respondent to resume the land in terms of G.O.Ms.No.947 dated 02.03.1973 as per clauses 5 and 6 therein and the petitioners are directed to surrender the land to the Government and enable the Government to resume the land under the above said G.O for formation of Bio-Diversity and Agricultural Extension Centre. The said exercise to be completed within a period of 12 weeks from the date of receipt of a copy of this order."

3.The learned counsel appearing for the petitioners also submits that the petitioners are bound by the said direction. However, as on date, since no final orders have been passed, the petitioners' possession should not be disturbed, till final orders are passed.

4.The learned Government Advocate appearing for the respondents, on instructions, would also submit that the respondents are not to disturb the petitioners' possession before passing of the



final orders as directed by the learned Single of this Court at the Principal Seat on 21.02.2022 passed in WP.No.26808 of 2009 as stated supra.

5.After recording the statement made by the learned Government Advocate appearing for the respondents and in terms of the same, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai-600 009.
- 2.The District Collector,
Nagercoil, Kanyakumari District.
- 3.The District Revenue Officer,
Nagercoil, Kanyakumari District.
- 4.The Tahisldar,
Thovalai Taluk, Boothapandi & Post,
Kanyakumari District.
- 5.The Revenue Inspector,
Azhagiapandipuram Post,
Kanyakumari District.

+2 CC to M/s.T. ARUL, Advocate (SR-21585[F] dated 27/04/2022)

order made in

W.P. [MD]No.8190 of 2022

Dated:

26.04.2022

SJ(CO)

GC(23.05.2022) 3P 8C