



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 12.10.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.18957 of 2022

V.Muniyasamy

... Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Kadaladi Taluk,
Kadaladi, Ramanathapuram District.

3.The Special Tahsildar,
Athi Dravidar Welfare Department,
Mudukulathur, Ramanathapuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents 1 to 3 to conduct enquiry and to pass necessary orders to issue patta in respect of the land in Survey No.51/1B, 51/3B1 punja land an extent of 1 acre 70 cents in Patta No.1304, Sayalkudi Village, Sayalkudi Group, Ramanathapuram District in the name of petitioner and his brothers as per the representations made by the petitioner dated 27.06.2022.

For Petitioner :Mr.V.Sakthivel

For Respondents :Mr.A.Kannan

Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus to direct the respondents to conduct enquiry and to pass necessary orders to issue patta in respect of the land in Survey No.51/1B, 51/3B1 punja land measuring to an extent of 1 acre 70 cents in Patta No.1304, Sayalkudi Village, Sayalkudi Group, Ramanathapuram District in the name of petitioner and his brothers based on his representation, dated 27.06.2022.

2.The case of the petitioner is that his father, namely Veeraperumal has purchased a land in Survey Nos.51/B1 and 51/3B1 measuring to an extent of 1 acre and 70 cents in Patta No.1304



situated at Sayalkudi Village, Sayalkudi Group, Kadaladi Taluk, Ramanathapuram District and patta also stands in his father's name. He passed away on 04.03.1995 leaving behind the petitioner, his brothers and sisters as his legal heirs. Thereafter, the petitioner and his siblings were in possession and enjoyment of the said property. The aforesaid land was acquired by the District Collector, Ramanathapuram, vide proceedings in Na.Ka.No.2/19437/94, dated 15.12.1995 for the purpose of issuing house sites to the Adi Dravidars. In furtherance to the said proceedings, house site patta was also issued and the same was cancelled by the Tahsildar for the reasons best known to them. Till date, the petitioner and his siblings are in possession of the said property. Neither the petitioner nor his father was informed about the said acquisition proceedings. Further, no award has been passed in respect of the acquisition of land and no compensation has also been paid. Now, the grievance of the petitioner is that, he sent a representation on 27.06.2022 to the respondents to issue patta in respect of the aforesaid land. But, no action has been taken till date. Hence, the petitioner has come forward with the aforesaid prayer.

3.The learned Additional Government Pleader, on instructions, would submit that by Award No.15/95-96, dated 26.03.1996, the land in Survey Nos.51/B1 and 51/3B1 situated at Sayalkudi Village, Sayalkudi Group, Kadaladi Taluk, Ramanathapuram District, was acquired and patta was also issued to 85 beneficiaries. He would further submit that at the time of acquiring, the land was belonging to one Veeraperumal. Based on his consent and also after getting signature from him, the land was acquired.

4.This Court is of the view that there is no materials produced to show that the petitioner's father has given any such consent for acquiring the said land. Therefore, this Court, without going into the merits of the case, directs the petitioner to produce all the relevant records to prove his possession and enjoyment of the above said land and the respondents are also directed to consider the representation of the petitioner, dated 27.06.2022 and pass appropriate orders, after giving due opportunity of hearing to the petitioner and any other persons, who may be interested in the subject matter.

5.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/11/2022

Sub Assistant Registrar(CS)



Rmk
To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Kadaladi Taluk,
Kadaladi, Ramanathapuram District.

3.The Special Tahsildar,
Athi Dravidar Welfare Department,
Mudukulathur, Ramanathapuram District.

+1 CC to M/s.V.SAKTHIVEL, Advocate (SR-49336[F] dated 13/10/2022)

+1 CC to M/s.SPL.GP (SR-49606[F] dated 14/10/2022)

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AMS (31.10.2022) 3P 6C