



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21246 of 2022

S.Vadivel

..Petitioner

Vs

- 1.The District Collector,
Dindigul District,
Dindigul District.
- 2.The Assistant Commissioner,
Land Reforms,
No.36, Bharathi Ula Street,
Race Course , K.Pudur,
Madurai.
- 3.The District Revenue Officer,
The District Revenue Office,
District Collector Office Campus,
Dindigul.
- 4.The Revenue Divisional Officer,
The Revenue Divisional Office,
Palani.
- 5.The Assistant Executive Engineer,
Public Works Department and Land
Acquisition Officer,
Nankanchi Water Dam Planning,
Sub-Divisional – 2,
Edayakottai,
Dindigul District.
- 6.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

..Respondents.



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to provide compensation regarding S.No.295.1R total extent 0.66.5 Hectare(1.64 Acres), Edayakottai Village, Oddanchatram Taluk, Dindigul District based on the Petitioner's representation, dated 23.3.2022.

For Petitioner :Mr.J.Gunaseelan Muthiah

For Respondents:Mr.C.Satheesh
Government Advocate

ORDER

The Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents to provide compensation regarding S.No.295/1R measuring a total extent 0.66.5 Hectare(1.64 Acres) situated at Edayakottai Village, Oddanchatram Taluk, Dindigul District based on the Petitioner's representation, dated 23.3.2022.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that the Government had assigned 1.6 acres of land in S.No.295/1R in the above stated village for the landless poor and the Petitioner and his parents are enjoying the same by paying necessary tax to the Government. While so, the Government has decided to construct a dam named, Nankanchi Water Dam and for that



documents like Original patta, Assignment order, Tax Receipts and Adangals for the above said land and promised that they will compensate for the same. The Petitioner's mother died on 18.11.2019. The above said dam was constructed, but the compensation was not yet paid. In this regard, the Petitioner has given a representation on 23.3.2022 to the Public Works Department and Water Resources Department. The officials of the said department forwarded the representation to the Tahsildar, Oddanchatram on 6.4.2022 and to the Revenue Divisional Officer concerned on 7.4.2022 and he in-turn had forwarded the same to the Assistant Commissioner, Land Reforms, Madurai. Since the Petitioner's request for compensation was not considered till date, the Petitioner has filed this Writ Petition for the relief stated supra.

4. The fourth respondent has filed a counter affidavit, in which, it is stated that an extent of 13.07.0 hectares of dry land in S.No.295/1 of Edayakottai Village, Oddanchatram Taluk was declared as surplus lands as per the final notification under Section 18(1) of the Tamil Nadu Land Reforms(Fixation of Ceiling on Land) Act, 1961 was published in the Tamil Nadu Government Gazette. The said land was classified as 'surplus lands' in the revenue accounts. Then the Assistant Commissioner(Land Reforms), Madurai initiated proceedings under the Tamil Nadu Land Reforms(Disposal of Surplus lands) Rules, 1965 and issued assignment orders in favour of landless poor including the Petitioner's mother Sathiyammal, wife of



Subramani. The Petitioner's mother was assigned with 0.66.50 hectare in S.No.295/1 vide proceedings of the Assistant Commissioner of Land Reforms, Madurai, dated 17.12.1986 and later, the same was sub-divided as S.No.295/1R and patta was also mutated in the name of the Petitioner's mother. While so 4(1) notification under the Land Acquisition Act was published by the Tamil Nadu Government Gazette for acquisition of Petitioner's land for construction of Nanganchiyaru Dam in Edayakottai Village. It is further submitted that the Tamil Nadu Land Reforms (Disposal of Surplus Lands) Rules, 1965, Rule 9 dealt conditions stating that the assignment of land shall be subject to the condition (a) that the land will vest absolutely in the assignee only after the value of the land and the buildings thereon is paid in full or after the expiry of a period of twenty years from the date of assignment, whichever is later and (b) if at any time before the expiry of the period specified in sub-clause (a) above, the land assigned is required for any public purpose, the assignment shall be modified or cancelled and the land shall be resumed by the Government. The above Rule 9(1) specifically authorizes the third respondent to cancel the assignment, in case if there is any violation of the condition of assignment as prescribed in sub-rule (1) or in the deed of assignment or as per the terms of the assignment in Form-F or the land is required for any public purpose. On the above said proceedings and as per the Government Order No.1134, Revenue Department, dated 28.11.1995, the above assignments were cancelled by the Assistant



Commissioner of Land Reforms, Madurai by order, dated 30.1.1998 and in that, it is mentioned that the repayment of the land value to the assignee's ordered in separate proceedings. As per Form-F, the Petitioner's mother had remitted an amount of Rs.82.50/- as land cost. As per the Land Reforms Act and Rules therein, the assignees are entitled to get repayment for the land value they paid early. Further the Petitioner's mother had not remitted the balance 19 instalment amount of land value with interest as executed in F-Deed Agreement made on 17.12.1996. Hence the third respondent had cancelled the assignment order made in favour of the Petitioner's mother and resumed the land back to the Government. Hence the Petitioner do not have any right to claim compensation from the Government for the said land. Further the Petitioner has filed this Writ Petition after a period of 27 years and the same is barred by limitation and hence the Writ Petition has to be dismissed.

5.In the above situation, the Petitioner submits that he is still in possession and enjoyment of the said land and in the 'A' Register also in his name finds place. The Revenue Authorities stated that they are in possession of the said land as the assignment made in favour of the Petitioner's mother was cancelled and the land was resumed back to the Government. In the given situation, this Court is of the view that the revenue authorities are directed to evict the Petitioner from the land in



question, by following the due process of law.

WEB COPY

6. With the above observation, the Writ Petition is disposed of. No costs.

15.11.2022

Index : Yes/No

Internet: Yes/No

vsn

To

1. The District Collector,
Dindigul District,
Dindigul District.
2. The Assistant Commissioner,
Land Reforms,
No.36, Bharathi Ula Street,
Race Course , K.Pudur,
Madurai.
3. The District Revenue Officer,
The District Revenue Office,
District Collector Office Campus,
Dindigul.
4. The Revenue Divisional Officer,
The Revenue Divisional Office,
Palani.
5. The Assistant Executive Engineer,
Public Works Department and Land
Acquisition Officer,
Nankanchi Water Dam Planning,
Sub-Divisional – 2,
Edayakottai,
Dindigul District.



7



6. The Tahsildar,
Oddanchatram Taluk,
Dindigul District.



WEB COPY



8

V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN
W.P(MD)No.21246 of 2022

15.11.2022



WEB COPY





WEB COPY





WEB COPY





WEB COPY





WEB COPY

