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S.T.A. No.1 of 2006 and W.P. No.9367 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM:
THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

S.T.A. No.1 of 2006 & S.T.P. No.2 of 2006
W.P. No.9367 of 2009 & M.P. No.1 of 2009

S.T.A. No.1 of 2006:

1 Uma Muthukumaraswamy (deceased)

2 Alarmelvalli

Appellants

(Cause Title accepted *vide* Court order dated 13.03.2006 made in S.T.P. No.1 of 2006)

(2nd appellant accepted as LR of deceased 1st appellant as per Memo dated 16.04.2019, ordered by Court on 22.07.2019)

v

1 The Deputy Salt Commissioner
Government of India
No.26, Haddows Road
Shastri Bhavan
Madras – 6

2 The Tahsildar
Cheyyur Taluk
Chengalput
M.G.R. District

3 The District Collector
Chengalpet
M.G.R. District



S.T.A. No.1 of 2006 and W.P. No.9367 of 2009

4 The State of Tamil Nadu
represented by the Secretary
Revenue Department
Fort St. George, Madras 600 006

Respondents

W.P. No.9367 of 2009:

Sakukthala Vedachalam

Petitioner

v

1 The Deputy Salt Commissioner
Government of India
26, Haddows Road
Shastri Bhavan, Chennai 600 006

2 Alarmel Valli

Respondents

(R2 impleaded as per Court order dated
04.02.2020 made in W.M.P. No.30355
of 2019 in W.P. No.9367 of 2009)

Special Tribunal Appeal filed under Section 30(2) of the Tamil Nadu Act 30 of 1963 challenging the order dated 22.06.2005 passed by the Minor Inams Tribunal (Principal Sub Court), Chengalpattu, in C.M.A. No.42 of 2003.

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus seeking to quash the letter dated 08.05.2009 and remand the dispute raised by the Salt Department in C.No.12029(5)P3/92/Vol.II/5396/99 dated 23.04.2009 to the Settlement Officer for fresh consideration and disposal.

For petitioner and R2 Mr. S.L. Sudarsanam
in W.P.No.9367 of 2009

For R1 in Mr. A. Murugan
W.P. No.9367 of 2009 Central Government Standing Counsel

For appellants in
S.T.A. No.1 of 2006 Mr. S.L. Sudarsanam

For R1 in
S.T.A. No.1 of 2006 Mr. A. Murugan
For RR 2 to 4 in Mr. M.R. Gokul Krishnan

S.T.A. No.1 of 2006 Additional Government Pleader



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S.T.A. No.1 of 2006 and W.P. No.9367 of 2009

COMMON JUDGMENT
(delivered by S. VAIDYANATHAN, J.)

Today, when these matters were taken up for hearing, Mr.S.L.Sudarsanam, learned counsel for the writ petitioner as well the appellants in the special tribunal appeal, sought permission of this Court to withdraw the writ petition as well the special tribunal appeal, with liberty to approach the Civil Court seeking suitable relief of declaration, in view of the affidavits filed by the writ petitioner and the second appellant. The said affidavits are scanned and re-produced below for ready reference.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P.No. 9367 OF 2009

Smt.Shakuntala Vedachalam
W/o. late C. Vedachalam,
231, Kilpauk Garden Road,
Kilpauk, Chennai-600 010

...Petitioner

Vs

1. The Deputy Salt Commissioner,
Office of the Deputy Salt Commissioner,
26, Haddows Road, Shastri Bhavan,
Chennai-600 006

2. Mrs.Alarmel Valli,
D/o. Late C.Muthukumarsamy,
No.236, Kilpauk Garden Road,
Kilpauk, Chennai - 600 010

... Respondents

AFFIDAVIT OF SHAKUNTHALA VEDACHALAM

I, Shakunthala Vedachalam, wife of late C.Vedachalam, Hindu, aged about 93 years, residing at No.231, Kilpauk Garden Road, Kilpauk, Chennai-600 010, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Petitioner in this writ petition and as such I am well acquainted with facts of the case.
2. I submit that our immediate family had along with the other family members that is my niece Ms.Alarmel Valli, daughter of late of C. Muthukumaraswamy Mudaliar (2nd Respondent herein and the Appellant in

Shakuntala Vedachalam



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S.T.A.No.1 of 2006 against M.I.C.M.A.No.49/1992) and my daughter Smt.Vanitha R.Manickavasagam, who are parties to the above proceedings are in possession and enjoyment of Salt Pans a larger extent of lands for more than 100 years which is situated in Survey Nos.918 of Chunampet Village referred to as the said salt pans the subject matter of this proceedings as well as in STA No.1 of 2006. The Settlement Officer had vide his order dated 25.05.1992 held that only a **Civil Court will be the competent forum to determine the facts regarding the above mentioned said salt pans.** The said order was confirmed in MICMA No.49/1992 and it is against the said order the said STA has been filed in this Hon'ble Court.

3. As regards the above mentioned very same the said Salt Pans, I had filed this writ petition in W.P.No.9367 of 2009. Hence the subject matter concerning both the proceedings are similar. In light of the findings in the above mentioned proceedings it is prayed that this Hon'ble Court may be pleased to permit me to approach Civil Court for inter alia seeking appropriate relief of Declaration and other consequential reliefs by way of filing a suit before the appropriate competent Civil Court. It is therefore prayed that the content of this affidavit be recorded in this writ petition No.9367/2009 pending on the file of this Hon'ble Court and suitable orders may be passed in the interest of justice permitting me to approach the Civil Court for appropriate reliefs with regard to the above mentioned said Salt Pans within the period that may be fixed by this Hon'ble Court.



S.T.A. No.1 of 2006 and W.P. No.9367 of 2009

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I therefore pray that this Hon'ble Court may be pleased to record the Content affidavit filed in this writ petition namely in W.P.No.9367 of 2009 and grant me the liberty to approach Civil Court for seeking suitable relief of Declaration and such other consequential reliefs with regard to the above mentioned said Salt Pans before the appropriate competent Civil Court within the time to be fixed by this Hon'ble Court and pass such further and other orders as this Hon'ble Court may deem fit in the circumstances of this case and thus render Justice. *Shalithale Vedula*

Solemnly affirmed at Chennai
on this the 21st day of September 2023
and signed her name in my presence

Before me
R. Subramanian
PLS 4634/21
Advocate : Chennai

**IN THE HON'BLE HIGH COURT OF JUDICATURE AT MADRAS
(Appellate Side Jurisdiction)**

S.T.A.NO. 1 OF 2006

Against

M.I.C.M.A.No. 49 OF 1992

1. Mrs. Uma Muthukumaraswamy (deceased).
2. Ms.Alarmelvalli,
D/o. Muthukumaraswamy Mudaliar,
No.236, Kilpauk Garden Road,
Kilpauk, Chennai - 600 010

...Appellants

Vs

1. The Deputy Commissioner,
Government of India,
No.26, Haddows Road, "Shastri Bhavan",
Chennai - 600 006
2. The Tahsildar,
Cheyyur Taluk, Kancheepuram District
3. The District Collector,
Kancheepuram District
4. The State of Tamil Nadu,
Rep. by the Secretary,
Revenue Department,
Chennai - 600 009

....Respondents

AFFIDAVIT OF ALARMELVALLI

I, Miss.Alarmelvalli, daughter of Late.Mr.Muthukumaraswamy Mudaliar, Hindu, aged about 65 years, having address at "DIPASIKHA" Flat No.F-2, First Floor, 232, Kilpauk Garden Road, Kilpauk, Chennai - 600 010, do hereby solemnly affirm and sincerely state as follows:-

1. I state that I am the 2ND Appellant in the above case and as such I am well acquainted with facts of the case.

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No. of corams:-

Alarmel Valli



S.T.A. No.1 of 2006 and W.P. No.9367 of 2009

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2. I submit that our immediate family had along with the other family members that is my aunt Smt. Shankunthala Vedachalam wife of late C. Vedhachalam Mudaliar and the Writ Petitioner in W.P.No. 9367 of 2009 and her daughter Smt. Vanitha Manikavasagam are parties to the above proceedings are in possession and enjoyment of Salt Pans a larger extent of lands for more than 100 years which is situated in Survey Nos.918 of Chunampet Village referred to as the said salt pans the subject matter of this proceedings as well as in W.P.No.9367 of 2009 The Settlement Officer had vide his order dated 25.05.1992 held that only a **Civil Court will be the competent forum to determine the facts regarding the above mentioned said salt pans**. The said order was confirmed in MICMA No.49/1992 and it is against the said order the said STA has been filed in this Hon'ble Court.

3. As regards the above mentioned very same the said Salt Pans my aunt Smt. Shankunthala Vedhachalam had filed writ petition in W.P.No.9367 of 2009. Hence the subject matter concerning both the proceedings are similar. In light of the findings in the above mentioned proceedings it is prayed that this Hon'ble Court may be pleased to permit me to approach Civil Court for inter alia seeking appropriate relief of Declaration and other consequential reliefs by way of filing a suit before the appropriate competent Civil Court. It is therefore prayed that the content of this affidavit be recorded in this S.T.A.No. 1 of 2006 pending on the file of this Hon'ble Court and suitable orders may be

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No. of Corrs;

Shankunthala Vedhachalam



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S.T.A. No.1 of 2006 and W.P. No.9367 of 2009

passed in the interest of justice permitting me to approach the Civil Court for appropriate reliefs with regard to the above mentioned said Salt Pans within the period that may be fixed by this Hon'ble Court.

I therefore pray that this Hon'ble Court may be pleased to record the Content affidavit filed in this proceeding namely in S.T.A.No.1 of 2006 and grant me the liberty to approach Civil Court for seeking suitable relief of Declaration and such other consequential reliefs with regard to the above mentioned said Salt Pans before the appropriate competent Civil Court within the time to be fixed by this Hon'ble Court and pass such further and other orders as this Hon'ble Court may deem fit in the circumstances of this case and thus render Justice.

Solemnly affirmed at Chennai
on this the 21st day of September 2023
and signed her name in my presence

[Signature]

Before me

[Signature]
Advocate :: Chennai

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No. of Coms:

2 In view of the above submission made by the learned counsel for the writ petitioner and the appellants, the writ petition and the special tribunal appeal are dismissed as withdrawn with liberty as prayed for. No costs. Connected M.P. and S.T.P. stand closed.

(S.V.N., J.) (K.R.S., J.)
21.09.2023

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S.T.A. No.1 of 2006 and W.P. No.9367 of 2009

S. VAIDYANATHAN, J.

and

K. RAJASEKAR., J.

cad

To

- 1 The Deputy Salt Commissioner
Government of India
No.26, Haddows Road
Shastri Bhavan
Madras – 6
- 2 The Tahsildar
Cheyyur Taluk
Chengalput
M.G.R. District
- 3 The District Collector
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- 4 The Secretary
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S.T.A. No.1 of 2006
&
W.P. No.9367 of 2009

21.09.2023