



W.P.No.4083 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **28.11.2023**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.4083 of 2023
and
W.M.P. No.4136 of 2023

1.Palaniammal

2.Jeyakumar

3.Eswari

... Petitioners

Versus

1.The District Collector,
Tiruppur District, Tiruppur.

2.The District Revenue Officer cum
Land Acquisition Officer,
Thiruppur District.

3.The Tahsildar,
Tiruppur North,
Tiruppur District.

4.The Divisional Engineer,
(Highways Department)
Construction and Maintenance,
Tiruppur District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorified Mandamus, to call for the records of the 2nd respondent herein pursuant to the impugned order dated 10.11.2022 in Na.Ka.No.8589/2011/U1 and quash the same and consequently, direct the respondents to disburse the award amount to the petitioners.

For Petitioners : Mr. T. Nixon

For Respondents : Mr. P.Gurunathan,
Additional Government Pleader

ORDER

The Writ Petition has been filed challenging the order dated 10.11.2022 passed by the second respondent in Na.Ka.No.8589/2011/U1 and consequently to direct the respondents to disburse the Award amount to the petitioners.

2. It is the case of the petitioners that they are the legal heirs of one Mr.Muthusamy. He, along with one Mr.Petchiannan purchased the land of an extent of 288 3/4 sq.ft and building from one Mr.Chenniyappan, vide Doc.No.251/1976 dated 11.2.1976. Thereafter, the said Mr.Petchiannan executed a release deed in favour of the said



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Mr.Muthusamy. Further, the first petitioner purchased a house property ad-measuring about 288 3/4 sq.ft., from one Mr.R.Chenniappan, vide Doc.No.252/1976 dated 11.2.1976. After the demise of the said Mr.Muthusamy, his legal heirs, namely the petitioners and one Mrs.Periyammal - his mother inherited the property. Subsequently, the said Mrs.Periyammal executed a release deed registered as Doc.No.882/2001 dated 19.12.2001 in favour of the petitioners. After the demise of the said Mrs.Periyammal, the entire property of 579 sq.ft., was in possession and enjoyment of the petitioners. While so, without giving an opportunity to raise any objection, the respondents acquired the petitioners' property and the Land Acquisition Officer cum District Revenue Officer passed Award No.1 of 2020, dated 14.08.2020. The Award amount was deposited before the Principal District Court, Tiruppur District in O.P.No.41 of 2021. Thereafter, the Land Acquisition Officer-cum-District Revenue Officer had passed the impugned proceedings dated 10.11.2022 stating that the petitioners' property is not in S.No.110, but it is in S.No.111, that the said S.No.111 land has been classified as "Government Poromboke" and that no compensation could be granted in respect of S.No.111. Hence the present Writ Petition.



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3. The learned Additional Government Pleader appearing for the respondents has stated that though the petitioners produced the documents relating to S.No.110, as per the Tahsildhar's report, it is seen that the building belongs to the petitioners, which is situated only in Town S.No.111 and not under S.No.110, that S.No.111 is only a Government Promboke land and that the petitioners failed to disprove the same. Therefore, in the absence of production of documents, the respondents refused to grant the Award amount.

4. Since there is a title dispute in respect of the subject property, the Revenue Officials have no authority to decide the title. They can only go into the details for the purpose of granting Patta and also for subdivision to make the Adangal entry. Therefore, the impugned order passed by the second respondent is liable to be set aside. There is a confusion regarding the physical features of the land as well as the survey numbers. Therefore, it is a matter to be decided before the Civil Court.

5. Accordingly, the impugned order is set aside. The petitioners are at liberty to work out their remedy by filing a claim petition and also



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produce all the relevant documents before the concerned Civil Court. Since already the acquisition proceedings was over and the Award amount has also been deposited before the Civil Court, the petitioners are directed to approach the concerned Civil Court to establish their right, title, interest and possession of the property.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

28.11.2023
(2/2)

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

To:

- 1.The District Collector, Tiruppur District, Tiruppur.
- 2.The District Revenue Officer cum
Land Acquisition Officer, Thiruppur District.
- 3.The Tahsildar, Tiruppur North, Tiruppur District.
- 4.The Divisional Engineer, (Highways Department)
Construction and Maintenance,
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P. VELMURUGAN, J.

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