



W.P.(MD)No.1287 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.1287 of 2021

Aniba Anna @ Mohamed Aniba, S/o.Jamaldeen

.. Petitioner

Versus

1.The District Collector,
Ramanathapuram District, Ramanathapuram.

2.The Special Tahsildar,
Adi Dravidar Welfare, Muthukulathur,
Ramanathapuram District.

3.The Tahsildar,
Kadaladi Taluk, Ramanathapuram District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to forfeit the proceedings of allotment of free house sites in respect of the land in Survey Nos.241/1A1, 241/1A2, 242/1A1 and 242/1A2, Iruveli Village, Kadaladi Taluk, Ramanathapuram District and to re-convey the same to the petitioner, by considering the petitioner's representation, dated 23.11.2020.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader



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ORDER

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This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents not to allot free house site Patta with respect to the subject property and to reconvey the same to the petitioner, by considering the representation made by him on 23.11.2020.

2. On carefully going through the affidavit filed in support of the Writ Petition, there is absolutely no indication as to whether any acquisition proceedings had taken place in the past. The entire affidavit is bereft of details and it reads as if the petitioner is the absolute owner of the property and he had approached the first respondent, seeking for reconveyance of the property and he was also ready for paying the sale consideration.

3. Only after going through the written instructions received from the second respondent/Special Tahsildar, Adi Dravidar Welfare, Muthukulathur, along with the relevant documents, it is seen that the subject property was acquired from the petitioner through private negotiation and it was conveyed through a sale deed, dated 16.03.2001. The sale consideration was also paid in favour of the petitioner. Subsequently, steps were taken to allot the property to the landless poor. It is under these circumstances, the petitioner has made a representation, seeking for reconveyance of the property.



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4. In the considered view of this Court, once the petitioner had executed a sale deed and the title had passed on the Government, there is no question of compelling the Government to reconvey the subject property. This is more so, since steps have already been taken for allotment of the property as free house site to the eligible persons. In view of the same, the relief sought for by the petitioner cannot be granted by this Court. Accordingly, this Writ Petition stands dismissed. No costs.

NCC : Yes/No
Index : Yes/No
smn2

10.10.2023

To

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Ramanathapuram District, Ramanathapuram.
2. The Special Tahsildar,
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N.ANAND VENKATESH, J.

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