



W.P.(MD)No.818 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.818 of 2021

and

W.M.P.(MD)Nos.688 and 689 of 2021

S.Gurusamy

... Petitioner

-VS-

- 1.The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.
- 2.The District Collector,
Theni District, Theni.
- 3.The District Revenue Officer,
District Collectorate, Theni District.
- 4.The Revenue Divisional Officer,
Thamaraikulam,
Periyakulam,
Theni District.
- 5.The District Registrar,
Periyakulam,
Theni District.



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6.The Sub Registrar,
Sub Registrar Office,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No. 12605/2009/Aa1, dated 20.10.2014, quash the same insofar as the petitioner's land in Survey No.746/1, to an extent of 3079.875 sq.ft., situated at Koduvilarpatti Village, Theni District, is concerned and consequently, forbearing the fourth respondent from cancelling the assignment and resuming the petitioner's land.

For Petitioner : Ms.P.Kalaiyarasi Bharathi
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the third respondent, dated 20.10.2014, pertaining to the subject property in Survey No.746/1, situated at Koduvilarpatti Village, Theni District.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

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3. The document that was presented for registration was not entertained on the ground that the District Revenue Officer has issued instructions to the Sub Registrar not to entertain any documents with respect to Survey Nos.746, 747, 748 and 749 on the ground that steps are being taken to resume the lands, which were originally assigned in favour of the beneficiaries.

4. The issue involved in this Writ Petition is squarely covered by the earlier order passed by this Court in **W.P.(MD)No.21230 of 2016**, dated **04.11.2016 [Natarajan vs. The Secretary to Government of Tamil Nadu, Revenue Department and others]**. The lands comprised in Survey Nos.476, 746, 747, 748 and 749 were assigned to various beneficiaries in the year 1973. Subsequently, the beneficiaries had sold the lands to various parties. An Association had questioned the same and had made representation to the District Collector to resume the lands and to cancel the assignments. W.P. (MD)No.633 of 2008 was filed in this regard. The Division Bench of this Court, by order dated 31.03.2008, declined to issue any such direction and instead, directed the Sub-Collector, Periyakulam, to hold an enquiry and to



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submit a report within six months. Pursuant to the same, the enquiry was conducted and the Revenue Divisional Officer submitted a report to the effect that the lands were purchased from the beneficiaries long time ago and houses have also been constructed and if any steps are being taken to evict, it will unnecessarily cause law and order problem.

5. Yet another Writ Petition came to be filed in W.P.(MD)No.21230 of 2016 and the above order and the decision that was taken by the Revenue Divisional Officer was recorded and this Writ Petition was dismissed on 04.11.2016.

6. It is clear from the above that the steps that were taken for resuming the lands were given up. Hence, the Sub Registrar cannot refuse to entertain the document on the ground that earlier, steps were taken for resuming the lands, which were assigned based on the complaint. The complaint itself has been closed and a decision has been taken to permit the occupiers of the land to continue with the occupation. In such view of the matter, the respective land owners must be allowed to deal with the property.



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7. In the light of the above discussion, this Writ Petition is allowed and there shall be a direction to the Sub Registrar to entertain the document and register the same, if all the other requirements are satisfied and thereafter, the document shall be released. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
smn2

14.12.2023

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N.ANAND VENKATESH, J.

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