



Rev.Aplw (MD) No.113 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**Rev.Aplw (MD) No.113 of 2023
and
C.M.P.(MD) No.12590 of 2023**

1.The Collector
Virudhunagar District
Virudhunagar-626 002

2.The Revenue Divisional Officer
Aruppukottai Division
Aruppukottai-626 101

... Petitioners

-vs-

1.M/s.Aru.Siva.Vannia Nadar Memorial Trust
rep.by its Founder Patron Wing
Commander S.Janakarajan, I.A.F.(Retd)
O/o.78-B, I.C.A.Colony
Ramamoorthy Road
Virudhunagar-626 002

2.The Commissioner
Aruppukottai Municipal Council
Aruppukottai-626 101



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3.The Manager
Aruppukottai Municipal Council
Aruppukottai-626 101

4.The Sub-Registrar
Sub-Registration Office
Aruppukottai-626 101

... Respondents

PRAYER: Review Application filed under Order XLVII, Rules 1 & 2 read with Section 114 of the Code of Civil Procedure, against the order dated 24.09.2018 in W.P.(MD) No.13153 of 2018.

For Petitioners : Mr.S.P.Maharajan
Special Government Pleader

For Respondents : Mr.C.Arunmozhirajashankar for R1
Mr.N.Dilip Kumar for R2 & R3
Mr.M.Prakash
Additional Government Pleader for R4

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The review sought for itself lies in a very limited scope.

2. The Division Bench, while allowing the writ petition in W.P.(MD) No.13153 of 2018, had directed removal of encroachment in Survey No.111/5 of Aruppukkottai Town, on the ground that it has been classified as “Oorani”.



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The very order was passed based on the report of the District Collector, Virudhunagar District, dated Nil.September, 2018, wherein it is stated that though the land in question is classified as “Oorani”, Patta stands in the name of one Nagalinga Asari and 1/3rd of the total extent is occupied by way of construction of houses and shops and the remaining 2/3rd is left unutilized. The District Collector has also made it clear that since Patta stands in the name of individual, he will conduct enquiry by giving due opportunity to the present Pattadar and thereafter, come to the conclusion as to whether the land in question is Oorani or not. He has also qualified his undertaking to pursue necessary action for removal of encroachment, if it is found to be Government poramboke.

3. Now, after the directions were issued by the Division Bench on 24.09.2018, the District Collector has, in fact, found that the classification of the land in question as “Oorani” itself is wrong and the land in question is a Ryotwari Punjai belonging to one Nagalinga Asari. In the light of the same, he has dropped further action. However, when contempt action was initiated and when it was reported to the Division Bench, the difficulty arose, because of the fact that the reservation made by the District Collector in his report was not taken note of by the Division Bench. Hence, the order dated 24.09.2018,



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passed in W.P.(MD) No.13153 of 2018 stands modified to the effect that the District Collector, Madurai District, shall take steps for removal of encroachment, if the land in question is found to be a poramboke land, after following due process of law.

4. With the above clarification, this review application is disposed of. It is open to the private respondent to approach the appropriate authority, if it feels that the land in question is “Oorani” and establish the same. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[N.S.K., J.]

20.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The Sub-Registrar,
Sub-Registration Office,
Aruppukottai-626 101.



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