



W.P.(MD) No.7329 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.7329 of 2020
and
W.M.P.(MD) No.6776 of 2020**

Solomonraj

... Petitioner

/vs./

- 1.The Principal Commissioner,
Land Reforms,
Chepauk,
Chennai.
- 2.The Assistant Commissioner,
Land Reforms,
Tirunelveli (In-charge of Thoothukudi),
Collectorate,
Tirunelveli.
- 3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.
- 4.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.



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5.The Managing Director,
State Industries Promotion Corporation of
Tamil Nadu Ltd., (SIPCOT),
19-A, Rukmani Lakshmipathy Road,
P.B.No.7223, Egmore,
Chennai 600 008.

6.The Project Officer,
State Industries Promotion Corporation of
Tamil Nadu Ltd., (SIPCOT),
Meelavittan,
Tuticorin 628 008.

7.Palanichamy

8.Selvaraj

9.Jayaraj

10.Pandiyaraj

11.Anthoniraj

12.Pandi

*(R5 to R12 have been impleaded
vide order dated 27.03.2023)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to restore the possession of the properties in Survey No.53/2 E.Velayuthapuram Village,



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Vembar, Vilathikulam Taluk, Thoothukudi District at an extent of 355.16 Acres to the E.Velayuthapuram Grama Podhu Arakkattalai, Vilathikulam, Thoothukudi District on the basis of the Petitioner's representation dated 08.06.2020.

For Petitioner : Mr.B.N.Raja Mohamed
For R1 : Mr.Guhaseela Rooban
Standing Counsel
For R2 : Mr.N.S.Karthikeyan
Standing Counsel
For R3 & R4 : Mr.J.John Rajadurai
Government Advocate
For R7 to R12 : Mr.E.Mareeshkumar

ORDER

The above writ petition is filed for the issue of a Writ of Mandamus directing the first respondent to restore the possession of the properties in S.No. 53/2 at E.Velayuthapuram Village, Vembar, Vilathikulam Taluk, Thoothukudi District to the E.Velayuthapuram Grama Podhu Arakkattalai, Vilathikulam, Thoothukudi District on the basis of the representation dated 08.06.2020.

2.It is the case of the petitioner that the Trust is in possession of the properties in various survey numbers, measuring an total extent of 297 acres and



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86 cents, which had been entrusted to them nearly 100 years ago under two pattas, which has been declared by the Munsif Court, Thoothukudi in the year 1920 in O.S.No.519 of 1917. That apart, the Trust had also purchased the properties and all the properties put together measure an extent of 375.16 acres, which was comprised in S.Nos.53/1 and 53/2. An extent of 20 acres were comprised in S.No. 53/1 and 355.16 acres were also comprised in S.No.53/2.

3.The petitioner would submit that some other properties to an extent of 355.16 acres have been acquired under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, (*herein after referred to as Act*). Though the properties were acquired, possession continues to remain with the Trust. That apart, the Act is not applicable to the properties of the Trust. The petitioner had also come across a notification of the Government of Tamil Nadu dated 10.05.2006 in the year 2019 and thereafter, they had sent a representation to the third respondent demanding restoration of the property that had been acquired. Since the representation had not been disposed of, the petitioner has come forward with the above writ petition.



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4.The respondents 2 and 3 had filed their counter affidavit stating that the procedure contemplated under the Act has been followed and possession has been taken for the excess lands. Today, the respondents had submitted a letter given by the fourth respondent, the Tahsildar to the Government Advocate, in which it has been stated that the writ petitioner is not a legal representative of the Trustee of Pothukadu Trust and that he has no interest in the lands in question. The learned Government Advocate for the respondents 3 and 4 would submit that the writ petition as filed without challenging the Gazette Notification dated 10.05.2006 is not maintainable.

5.Heard the learned counsels appearing on either side.

6.A perusal of the records would show that by orders dated 12.07.2005 in proceedings bearing No.A1/M.R-1/2-0/VKM, the excess land has been taken possession of. This order has not been challenged to date. Without challenging the same, by an astute drafting, the present writ petition has been filed in the guise of seeking a Mandamus to restore the possession. That apart, it is also informed that the petitioner is not a legal representative of the original trustee and is in noway



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connected to the land in question. Therefore, the Writ Petition is dismissed. It is needless to state that it is open to the petitioner to workout his remedy in the manner known to law. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

18.04.2023

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To

1.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

2.The Tahsildar,
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P.T.ASHA, J.

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