



W.P(MD)No.62 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.VADAMALAI**

**W.P(MD)No.62 of 2019
and
W.M.P(MD)No.44 of 2019**

Jothi

... Petitioner

-VS-

1. The District Collector,
Theni, Theni District.

2. The District Revenue Officer,
Theni District.

3. The Sub Collector,
O/o. Revenue Divisional Office,
Uthamapalayam,
Theni District.

4. The Tahsildar,
Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to fix reasonable amount for survey numbers 239/1 and 239/2 with an extent of 17½ cents of Odaipatti Village, Uthamapalayam Taluk, Theni District, by considering the petitioner's representation dated 27.12.2018.



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For Petitioner : Mr.Prabhakaran, Senior Counsel for
Mr.A.Arul Jenifer
For Respondents : Mr.P.Thilakkumar, Government Pleader

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.Prabhakaran, learned Senior Counsel for Mr.A.Arul Jenifer, learned counsel for the petitioner and Mr.P.Thilakkumar, learned Government Pleader appearing for the respondents.

2. The learned counsel for the petitioner submits that the respondents are required to fix reasonable amount for Survey Nos. 239/1 and 239/2 to an extent of 17½ cents of Odaipatti Village, Uthamapalayam Taluk, Theni District. The same has been in possession of Rayarkula Kurumba Gounder Community people since time immemorial. The patta was not issued in their names though the same was continuously occupied by them. Survey No.239/1 is classified as poramboke land and Survey No.239/2 is classified as natham in the revenue records.

3. The learned counsel appearing for the petitioner further submits that because of the illiteracy of the community people, the



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patta was not applied for. The 2nd respondent passed an order directing Rayarkula Kurumba Gounder Community to pay a sum of Rs.55,10,892/- to regularise the alleged encroachment by them.

4. A status report has been filed by the 4th respondent. According to the said status report, one Senthil Kumar had executed a conditional deed in favour of Government for 22 cents of land in S.No. 187/4A in Odaipatti Village if the disputed land is regularised. Therefore, taking into account the said conditional deed, recalculation was done and a sum of Rs.15,91,452/- was calculated by deducting a sum of Rs.45,694/- that is, the amount for the land to be given by the said Senthil Kumar. The resolution was passed bearing Resolution No. 77 of 2022 dated 25.07.2022 by the Town Panchayat giving unilateral no objection for the said change in the classification of the land. The 4th respondent in communication dated 05.08.2022 had sent a letter recommending issuance of patta if the stipulated conditions are followed along with relevant reports and records to the 1st respondent.

5. The learned Government Pleader submits that the matter is now pending with the Commissioner of Land Administration and some queries were raised earlier.



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6. It is for the authorities to clear the queries raised by the Commissioner. We expect the Commissioner of Land Administration to take a decision on the said proposal expeditiously. The Commissioner shall take decision on the proposal received by him forwarded by the 4th respondent through the 1st respondent expeditiously on its own merits preferably within a period of three months from today.

7. The Writ Petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

[S.V.G., C.J.]

[P.V.M., J.]

28.08.2023

Index : Yes / No
Neutral Citation : Yes / No
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