



W.P.(MD)No.17524 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17524 of 2020

and

W.M.P.(MD).Nos.14678, 14679 and 14681 of 2020

K.Annadurai

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai,
Pudukkottai District.
- 2.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.
- 3.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
- 4.The Tahsildar,
Alangudi,
Pudukkottai District.
- 5.The Divisional Engineer,
Highways Department (Construction and Maintenance),
Pudukkottai.



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6.The Assistant Divisional Engineer,
Highways Department (Construction and Maintenance),
Alangudi Sub-Division,
Alangudi,
Alangudi Taluk,
Pudukkottai District.

7.Palanivel

8.The Commissioner,
Land Administration Department,
Ezhilagam,
Chepauk,
Chennai – 600 005.

... Respondents

*(R-8 is suo motu impleaded vide Court Order dated 01.12.2023
in W.P.(MD).No.17524 of 2020)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.E2/5199/2015 dated 02.05.2018, quash the same and consequently direct the respondents 1 and 2 to change the classification of S.F.No.277/3 of Veppankudi Village, Alangudi Taluk, Pudukkottai District and issue assignment of payment of market value of the land in favour of the petitioner.

For Petitioner : Mr.K.Baalasundharam
Senior Counsel
For Mr.R.Paranjothi

For R-1 to R-6 : Mr.R.Ragavendran
Government Advocate

For R-7 : Mr.K.Chengizkhan



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ORDER

The Commissioner, Land Administration Department, Ezhilagam, Chepauk, Chennai – 600 005 is suo motu added as the eighth respondent in this Writ Petition and the learned Additional Government Pleader takes notice for the impleaded eighth respondent also.

2. The subject matter of challenge in the present Writ Petition pertains to the proceedings of the second respondent in ந.க.இ 2/5199/2015 dated 02.05.2018 and for a consequential direction to the first and second respondents to change the classification of the subject property in S.F.No.277/3, Veppankudi Village, Alangudi Taluk, Pudukkottai District and to issue assignment in favour of the petitioner by accepting the payment of the market value of the land.

3. Heard the learned counsel appearing on behalf of the petitioner, the learned Government Advocate appearing on behalf of the respondents 1 to 6 and the learned counsel for the seventh respondent.

4. The case of the petitioner is that he is the owner of the property to an extent of 3 acres in S.F.No.277/2 by means of a registered sale deed dated 13.08.1997. On the southern side of this property, S.F.No.277/3 is located and



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to the highways. The petitioner was utilizing this land and reclaimed it and cultivated Eucalyptus trees.

5. The above said land was classified as road side Poromboke. The petitioner submitted representations before the concerned authorities to change the classification and requested for the assignment of the land in favour of the petitioner. The request made by the petitioner ultimately reached the second respondent and the second respondent through the impugned proceedings dated 02.05.2018, rejected the request made by the petitioner. Aggrieved by the same, the present Writ Petition has been filed before this Court.

6. The fourth respondent has filed detailed counter affidavit and has given reasons as to why the assignment cannot be made in favour of the petitioner.

7. It is not necessary for this Court to go into the various contentions that have been raised by either side. During the course of hearing, it was brought to the notice of this Court that the petitioner had already submitted an application before the impleaded eighth respondent seeking for reclassification of the land in Survey No.277/3 and the same is pending. Likewise, the seventh respondent has also made an application before the impleaded eighth respondent and has sought for a long term lease with respect to the same property in S.F.No.277/3.



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In view of the same, it will suffice if a direction is issued to the impleaded eighth respondent to deal with the claim made by the petitioner and also the seventh respondent and to take a decision on its own merits and in accordance with law. This direction will sufficiently take care of the claims made by both the petitioner as well as the seventh respondent.

8. In the result, this Writ Petition is disposed of with a direction to the impleaded eighth respondent to proceed further with the enquiry in Letter No.G2/670805/2020 dated 25.09.2020 and Letter No.E2/11287/2020 dated 21.08.2020 after affording an opportunity to the petitioner and the seventh respondent and orders shall be passed on its own merits and in accordance with law within a period of six (6) months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

01.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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N.ANAND VENKATESH, J.

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