



W.P(MD)Nos.53 and 57 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.53 and 57 of 2021

and

W.M.P.(MD)No.59, 61, 67 and 68 of 2021

W.P.(MD)No.53 of 2021:-

RM.Meiyyappan

... Petitioner

Vs.

**1.The District Collector,
Sivagangai District,
Sivagangai.**

**2.The District Revenue Officer,
Sivagangai District,
Sivagangai.**

**3.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.**

**4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in NaKa.C2/19490/2016, dated 30.08.2017 and quash the same and direct the



W.P.(MD)Nos.53 and 57 of 2021

respondents 2 to 4 to fix the market value for the petitioner's land measuring 0.76.5 Ares situated in S.No.244/1 of Kalanivasal Village, Karaikudi Taluk, Sivagangai District by collecting the sale particulars between 02.05.1984 and 01.05.1985 of the adjacent lands as per the order passed by the 2nd respondent in Na.Ka.C2/76330/94 dated 18.10.1995 and collect the same and issue patta to the petitioner.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader.

W.P.(MD)No.57 of 2021:-

RM.Ramanathan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in NaKa.C2/19490/2016, dated 30.08.2017 and quash the same and direct the respondents 2 to 4 to fix the market value for the petitioner's land measuring 0.69.0 Ares situated in S.No.244/2 of Kalanivasal Village, Karaikudi Taluk, Sivagangai District by collecting the sale particulars between 02.05.1984 and 01.05.1985 of the adjacent lands as per the order passed by the 2nd respondent in Na.Ka.C2/76331/94 dated 13.10.1995 and collect the same and issue patta to the petitioner.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader.

COMMON ORDER

Heard the learned counsel for the writ petitioners and the learned Special Government Pleader for the respondents.

2.The petitioners are siblings. The petition mentioned lands were assigned in favour of one Aathiappan and Sebastian respectively. From the said assignees, vide sale deed dated 02.05.1985, the petition mentioned lands were purchased individually by the petitioners. Subsequently, mutation was also



W.P.(MD)Nos.53 and 57 of 2021

effected in the revenue records also. It was then noticed by the authorities that the alienations made by the assignees were violative of the assignment terms and conditions. Therefore, the Sub Collector, Devakottai, passed orders on 16.03.1993 cancelling the assignments. Aggrieved by the same, the petitioners filed appeals before the District Revenue Officer, Sivagangai who vide orders dated 13.10.1995 and 18.10.1995 respectively confirmed the orders cancelling the assignments. However, direction was given to alienate the petition mentioned lands in favour of the petitioners herein after collecting the land cost. The petitioners have been submitting representations ever since. They offered to pay the market value of the lands and take a fresh deed of assignments or alienation from the Government. Since it was not considered, the petitioners file W.P.(MD)Nos.20961 and 20962 of 2016. Vide order dated 02.11.2016, the writ petitions were disposed of in the following terms:-

“Since the 2nd respondent / District Revenue Officer has already considered the request of the petitioners in their favour, the 2nd respondent is directed to consider the representation of the petitioners on merits and in accordance with within a period of 12 weeks from the date of receipt of a copy of this order.”



W.P(MD)Nos.53 and 57 of 2021

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3.Contending that the said direction has not been complied with, the petitioners filed Cont.P.(MD)Nos.1297 and 1298 of 2017. In the meanwhile, the District Administration filed Rev.Aplc.(MD)Nos.75 and 76 of 2017. The contempt petitions as well as the review applications were disposed of only on 10.09.2020. After disposal of the said petitions, the present writ petition came to be filed.

4.The learned counsel for the petitioners reiterated all the contentions set out in the affidavits filed in support of the writ petitions and called upon this Court to quash the impugned orders and grant the relief as prayed for.

5.The learned Special Government Pleader for the respondents submitted that the impugned orders do not warrant any interference and he pressed for dismissal of the writ petitions.

6.I carefully considered the rival contentions and went through the materials on record. The writ petitioners through their counsel give an undertaking that they are willing to pay the land cost mentioned in the impugned orders. Since the impugned orders were passed as early as on



W.P(MD)Nos.53 and 57 of 2021

30.08.2017, the petitioners will have to pay interest at the rate of 6% per annum on the said land costs also.

7.Now the question that arises for consideration is whether after collecting the land cost mentioned in the impugned orders, the respondents can be directed to acknowledge the title of the petitioners by issuing patta to them.

8.Of course, the learned Special Government Pleader would vehemently oppose the prayers made by the writ petitioners. He would point out that the petitioners have purchased the lands for pittance. The assignees were absolutely incompetent to alienate the lands in favour of the petitioners. In any event, the orders cancelling the assignments had become final. At present, the locality has witnessed considerable development. A law college has come up. Even without conceding the petitioners' request, the learned Special Government Pleader indicated that the market value that obtaining as on date may have to be fixed.

9.I would have straightaway upheld the contentions of the learned Special Government Pleader, if the writ petitioners have approached the Court for the first time. It is not so. The writ petitioners have earlier moved this



W.P(MD)Nos.53 and 57 of 2021

Court seeking the very same relief. A learned Judge of this Court vide order dated 02.11.2016 had directed the jurisdictional District Revenue Officer to consider the petitioners' request. It was not a direction simpliciter. It was preceded by the following lines “since the District Revenue Officer has already considered the request of the petitioners in their favour”. The learned Judge was referring to the orders passed by the jurisdictional District Revenue Officer as early as on 13.10.1995 and 18.10.1995 respectively. The said orders have become final. They were not put to challenge. The review applications filed by the respondents were also dismissed. The petitioners after purchasing the lands have also developed the lands and brought it fit for cultivation and agricultural activities. This aspect of the matter was specifically noted by the then District Revenue Officer in his orders dated 13.10.1995 and 18.10.1995 respectively. Therefore, it is too late in the day for the respondents to raise any objection. In fact, the respondents would only be acting in consonance with their own earlier proceedings which had become final. The Sub Collector had also sent a communication for collecting the sale statistics to fix the market value. Only after completing the said exercise, the present District Revenue Officer had fixed the market value of the lands at Rs.1,23,46,319/- and 1,11,35,895/- respectively. It is not the case of the respondents that this valuation has been erroneously done. The only ground on which the District Revenue Officer had



W.P(MD)Nos.53 and 57 of 2021

declined the petitioners' request is that assigning such lands will not fall within his jurisdiction. That may be the current position. But then, the petitioners' request cannot be negated with reference to the present position. It should be seen as continuation of the earlier proceedings that date back to the year 1995 and the earlier order passed by this Court in writ proceedings instituted by the writ petitioners.

10. In this view of the matter, even while sustaining the valuation fixed by the second respondent, the stand of the second that patta cannot be issued in favour of the petitioners alone is set aside. Upon the petitioners paying the market value fixed in the impugned orders together with interest at the rate of 6% per annum, patta shall be issued to the writ petitioners by the respondents.

11. The writ petitions are allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

15.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)Nos.53 and 57 of 2021

To:

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W.P(MD)Nos.53 and 57 of 2021

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W.P(MD)Nos.53 and 57 of 2021

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