



W.P(MD)No.13010 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13010 of 2015

and

M.P.(MD)Nos.1 to 3 of 2015

and

W.M.P.(MD)No.2614 of 2022

Amirtham (died)

1.Karuppaiah

2.Nagalingam

3.Ayyappan

(This Court vide order dated 25.09.2023

substituted the petitioner

in W.P.(MD)No.11464 of 2020)

... Petitioners

Vs.

1.The District Collector,
Pudukkottai.

2.The Special Tahsildar and Land Acquisition Officer,
Aranthangi Taluk,
Pudukkottai District.

3.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

4.The District Adi Dravidar and Tribe Welfare Officer,
Pudukkottai 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, to call for the records pertaining to the order passed by the 4th respondent in his Proceedings in Na.Ka. 2144/2011/Q3 dated 31.03.2015, quash the same and direct the 1st respondent to issue a patta in favour of the petitioner in S.F. No. 334/1A of Koothadivayal Village, Mookudi Circle, Aranthangi Taluk, Pudukkottai District.

For Petitioners : Mr.K.Baalasundharam
Senior Counsel
for Mr.R.Paranjothi

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

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

2. The original petitioner seeks issuance of patta in her favour in respect of the petition mentioned land. Her request was rejected. Challenging the same, the present writ petition came to be filed.

3. The learned senior counsel submitted that the land in question is comprised in Survey No.334/1A, Mookudi Village in Aranthangi Taluk. It is



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true that the acquisition proceedings were initiated. But there was a title dispute between Amirtham/original writ petitioner on the one hand and Somasundara Thevar on the other. It is further stated that compensation was not received by the parties and that possession is still with the original petitioner. Therefore, this Court must apply Section 24 of Land Acquisition Act and hold that the proceedings had elapsed. Since the original petitioner is in possession, her prayer for grant of patta deserves to be favorably considered. The learned senior counsel called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The respondents have filed counter affidavit and the learned Special Government Pleader took me through its contents. The learned Special Government Pleader submitted that the petitioners have no case whatsoever. He pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. Copy of the award No.2 of 1988 dated 15.03.1988 passed by the Special Tahsildar, Aranthangi had been produced. It is seen therefrom that the



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land acquisition officer heard the original petitioner Amirtham as well as Somasundara Thevar. It has been set out in the award that Amirtham could not produce any document in support of her claim that she is the title holder. It is obvious that the name of Somasundara Thevar appeared in the revenue record. Therefore, the authorities were justified in proceeding on the premise that Somasundara Thevar was the land owner. The award was passed as early as in March 1988. If there was a title dispute between the two parties, reference will have to be made. But then, scope of the reference will be confined only to apportionment of compensation or the eligibility of the person to receive compensation. The acquisition proceedings will not be put on hold or deferred only because there is a dispute between the parties regarding title of the land to be acquired. I therefore hold that pendency of this dispute between Amirtham on one hand and Somasundara Thevar on the other will not in any way cast cloud on the acquisition proceedings.

7. The learned Special Government Pleader informs that after passing of the award, compensation was also paid and that the land itself has now been classified as “Adi Dravidar Natham”.

8. None of the grounds set out in the affidavit appeal to me. I do not find any ground to interfere.



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9. The learned Senior Counsel would add that the petitioner's request could have been considered only by the District Collector and not by the Adi Dravidar Welfare Officer. When the land had been classified as “Adi Dravidar Natham”, in my view, it is only the Adi Dravidar Welfare Officer who will be competent to go into the same. The land was acquired from Somasundara Thevar for the benefit of SC community members. The award itself was passed in the year 1988. The possession of Amirtham after conclusion of the acquisition proceedings is akin to trespass. The compromise that is said to have been entered into Somasundara Thevar and Amirthammal in the year 2006 is of no consequence. Though the learned senior counsel would call upon this Court to remand the matter, I am not inclined. When the original petitioner has not shown any legal right for issuance of patta, the question of relegating the matter for fresh consideration by the District Collector does not arise.

10. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

25.09.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To

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