



W.P.(MD) No.7572 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 13.02.2023

PRONOUNCED ON : 22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.P.(MD) No.7572 of 2014

and

M.P.(MD) No.1 of 2014

S.Rajendran

... Petitioner

/vs./

1.The District Collector,
O/o. the District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

3.The Village Administrative Officer,
K.Rayavaram Village,
Thirumayam Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner and not to interfere with



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his right to cultivate the land in survey Nos.424/1,427/1 and 427/2 at Rayavaram village, Thirumayam Taluk, Padukkottai District.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The writ petition has been filed seeking for a Mandamus to direct the respondents from interfering with the peaceful possession and enjoyment of the petitioner and not to interfere with the rights to cultivate his land in S.Nos.424/1, 427/1 and 427/2 at Rayavaram Village, Thirumayam Taluk, Pudukkottai District.

2.Heard Mr.D.Shanmugaraja Sethupathi, learned counsel for the petitioner and Mrs.D.Farjana Ghoushia, learned Special Government Pleader for the respondents.

3.Mr.D.Shanmugaraja Sethupathi, learned counsel for the petitioner would submit that the petitioner has been in possession and enjoyment of the lands in S.Nos.424/1, 427/1 and 427/2 by carrying on agricultural activities in the said



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land. The petitioner was originally granted a settlement patta by the second respondent and subsequently, the same was cancelled and that he had preferred an appeal to the Assistant Settlement Officer.

4.The Assistant Settlement Officer, by his proceedings dated 12.02.1996, had issued ryotwari patta in the name of the petitioner under the provisions of the Tamil Nadu Inam Estate (Abolition and Conversion into Ryotwari) Act, 1963. Even after the said order, the second respondent herein had not mutated the revenue records. Hence, the petitioner had approached this Court by way of filing a writ petition in W.P.(MD) No.3707 of 2008.

5.This Court, by order dated 29.04.2013, had directed the second respondent to consider the representation of the petitioner and pass appropriate orders considering the orders passed by the Assistant Settlement Officer, Madurai in his proceedings dated 12.02.1996. Even till date, no action has been initiated by the second respondent to comply with the orders passed by this Court. However, they are trying to interfere with the rights of the petitioner and hence, the petitioner had approached this Court with the present writ petition. He would



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WEB COPY further submit that in spite of the directions issued by this Court in W.P.(MD) No. 3707 of 2008, no order has been passed by the second respondent even as of this stage.

6.Countering his arguments, Mrs.D.Farjana Ghoushia, learned Special Government Pleader for the respondents would submit that the case of the petitioner was not considered in view of the fact that the order of the Assistant Settlement Officer, who had passed an order in favour of the petitioner, has been set aside by a Division Bench of this Court and the issue relating to various other lands, in which the Assistant Settlement Officer had granted ryotwari patta at Rayavaram Village, Thirumayam Taluk is in consideration by the Commissioner of Land Administration. Hence, the request of the petitioner was not entertained by the second respondent.

7.Considering the fact that there was non-compliance of the directions passed by this Court in W.P.(MD) No.3707 of 2008 dated 29.04.2013, this Court had called upon the Tahsildar/the second respondent to file an affidavit explaining the delay that had been caused in compliance of the said order. Today,



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Mrs.N.Praveena Mary, who is holding the office of the second respondent, is present before this Court and she had filed an affidavit explaining the delay.

8.The reason assigned by the second respondent is that the case of the petitioner was taken up for consideration. While the same was being considered, the second respondent had received the judgment of this Court in a batch of writ appeals in W.A.(MD) No.618 of 2019 and batch, wherein a Division Bench of this Court in a similar case has affirmed the order made in W.P.(MD) No.1702 of 2006, wherein the orders of the Assistant Settlement Officer granting patta have been set aside and it has been further stated that thereafter the second respondent had written a letter to the Government regarding the request of the petitioner. Till date, no communication has been received from the Government and hence, there is a delay. She had further reiterated that a notice has been issued to the petitioner on 09.02.2023 calling upon him to appear before the second respondent on 14.02.2023. She had also specifically averred that immediate steps will be taken to comply with the orders of this Court.



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9.I am not satisfied with the explanation submitted by the second respondent/Tahsildar. Since steps have been taken to consider the representation of the petitioner pursuant to the directions issued by this Court in W.P.(MD) No. 3707 of 2008 dated 29.04.2013, the second respondent is directed to pass appropriate orders as expeditiously as possible. Till such orders are passed by the second respondent, the petitioner's possession in respect of the lands in the said survey numbers should not be disturbed based upon the ryotwari patta issued by the Assistant Settlement Officer dated 12.02.1996.

10.In fine, the Writ Petition is allowed as prayed for subject to the orders to be passed by the second respondent. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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

22.02.2023



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K.KUMARESH BABU, J.

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order made in
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