



W.P(MD)No.7158 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7158 of 2017
and
W.M.P(MD)No.5655 of 2017

V.Santhanam

...Petitioner

Vs.

**1.The District Collector,
Madurai District,
Madurai.**

**2.The Revenue Divisional Officer,
Madurai District,
Madurai.**

**3.The Tahsildar,
Madurai South Taluk,
Madurai.**



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4.P.Mahalingam

5.A.Raghunathan

6.R.Tamilselvi

7.P.Udaiyar

8.C.Udaiyar

...Respondents

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 impugned order passed by the first respondent in his proceedings Na.Ka.No. G3/30514/2015 dated 01.09.2015 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the respondents to record the name of the petitioner and her son Rajendran in the Governmental Records pertaining to the property comprised in Survey Nos.396, 896/2 situated at Chinna Udappu Village, Thirupparankundram Taluk, Madurai District and issue patta in the name of the petitioner for the said land.



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For Petitioners : Ms.N.Juliet Latha

For Respondents : Mr.M.Sarangan - for R1 to R3

Additional Government Pleader

Mr.J.Selvam – for R4 to R8

ORDER

The case of the petitioner is that S.Nos.396, 896/2 of Chinna Udappu Village, Thirupparankundram Taluk, Madurai District was gifted to her father-in-law one R.V.Krishnan, who was a freedom fighter in Madurai District. As a mark of respect to his participation in the freedom movement, the government has assigned the said land to an extent of 15 acres and the revenue records including the A-Register were transferred in the name of the petitioner's father- in-law.

2.The petitioner claims that the said R.V.Krishnan migrated to Sri Lanka and thereafter he returned India and died on 20.01.1962, leaving behind the petitioner's husband Vellaichamy and his daughter



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Guruvammal. Subsequently the petitioner's husband Vellaichamy died on 06.10.1984. Therefore the petitioner has inherited the said property. The petitioner also claims that she has got the decree on the subject property from the Additional District Munisif Court, Madurai in OS.No.1008 of 2013 on 21.11.2014 that she is the legal heir of the deceased Vellaichamy.

3.The petitioner further claims that this land was wrongly classified as surplus land and pattas were also issued in favour of respondents 4 to 8 and presently it is classified as Panajamar land. By the order impugned in this writ petition, the assignment given to respondents 4 to 8 were cancelled. Therefore, she has filed this writ petition as against the order passed by the District Collector in Na.Ka.No.G3/30514/2015, dated 01.09.2015 that the subject land is a Boomi Dhan land donated to her father-in-law R.V.Krishnan under Boomi Dhan Scheme.



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4.The impugned order has been passed pursuant to the direction of this Court in WP(MD)Nos.20246 to 20249 of 2014, dated 12.12.2014, which were filed by one Udaiyar and 4 others. Pursuant to the orders of this Court an enquiry was conducted by the District Collector and the District Collector has cancelled the pattas granted in favour of the respondents 4 to 8. Admittedly the petitioner is not a party to those proceedings. By the order impugned, the said land in S.No.396 was recorded as Panjamar Tharisu and therefore, the pattas granted in favour of respondents 4 to 8 were cancelled. The petitioner is not aware, whether this order was challenged by the respondents 4 to 8.

5.The petitioner claims that the land in S.No.396, was gifted to the petitioner's father-in-law for his participation in the freedom movement. The petitioner can establish the same before the District Collector, within a period of eight weeks from the date of receipt of a copy of this order and the District Collector shall consider the same and pass orders in accordance with law.



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6.The writ petition is closed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

05.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

RM

To

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B.PUGALENDHI, J.

RM/dsk

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(2/2)

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