



W.P.(MD).Nos.27602 and 28113 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.27602 and 28113 of 2022

W.P.(MD).No.27602 of 2022:

J.Christal John

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Tahsildar,
Killiyoor Taluk,
Killiyoor,
Kanyakumari District.

3.The Inspector of Police,
Economic Offences Wing-2,
Kanyakumari District at Nagercoil.

... Respondents

*(R-3 is suo motu impleaded vide Court Order dated 18.04.2023 in
W.P.(MD).No.27602 of 2022).*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to issue patta in the name of the petitioner for the property to



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an extent of 4 cents 500 Sq.links in Resurvey No.585/4 of Methukummal Village, Killiyoor Taluk, Kanyakumari District, based on the petitioner's representation dated 14.10.2022, within the time stipulated by this Court.

For Petitioner : Mr.G.Ramanathan

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

W.P.(MD).No.28113 of 2022:

1.S.Velayudhan Aasari

2.V.Murugan

3.V.Mani

... Petitioners

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Tahsildar,
Killiyoor Taluk,
Killiyoor,
Kanyakumari District.

3.The Village Administrative Officer,
Methukummal Village,
Killiyoor Taluk,
Kanyakumari District.

4.The Inspector of Police,
Economic Offences Wing-2,
Kanyakumari District at Nagercoil.

(R-4 is suo motu impleaded vide Court Order dated 18.04.2023 in W.P.(MD).No.28113 of 2022).



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5.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

6.The Special Public Prosecutor,
TNPID Court, District Court Complex,
Madurai.

7.Rajeshkumar

8.Sureshkumar

9.Rajashree

... Respondents

*(R-5 to R-9 are impleaded vide Court Order dated 18.04.2023 in
W.M.P.(MD).No.22539 of 2022 in W.P.(MD).No.28113 of 2022)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second and third respondents to receive the land tax from the petitioners in respect of 6.800 cents, 12.350 cents and 6.600 cents respectively which belongs to the petitioners in R.S.No.585/4 of Methukummal Village, Vilavancode Taluk, (Now Killiyoor Taluk), Kanyakumari District on the basis of the petitioner's representation dated 14.10.2022.

For Petitioner : Mr.G.Ramanathan

For R-1 to R-6 : Mr.A.K.Manikkam,
Additional Government Pleader.



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COMMON ORDER

The Writ Petition in W.P.(MD)No.27602 of 2022 is filed for Mandamus, directing the second respondent herein to issue patta in the name of the petitioner for the property to an extent of 4 cents 500 Square links in Resurvey No.585/4 of Methukummal Village, Killiyoor Taluk, Kanyakumari District, based on the petitioner's representation dated 14.10.2022.

2. The Writ Petition in W.P.(MD)No.28113 of 2022 is filed for Mandamus, directing the second and third respondents to receive the land tax from the petitioners in respect of 6.800 cents, 12.350 cents and 6.600 cents respectively which belongs to the petitioners in R.S.No.585/4 of Methukummal Village, Vilavancode Taluk, (Now Killiyoor Taluk), Kanyakumari District on the basis of the petitioner's representation dated 14.10.2022.

3. The contention of the petitioners is that they are the holder of the joint patta to the land situated in the above said survey numbers. The respondents are refusing to receive land tax by citing a suit in O.S.No.50 of 1968 filed by one Baskaran. Moreover, some portion of the land is attached to



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the Government under TNPID Act. The contention of the petitioners is that the Government has attached only 50 cents and the rest of the portion is not attached. If that is so, the petitioners are entitled to pay the land tax towards his undivided share in the said land. The total extent of the land is 2 acres 91 cents and the petitioners are claiming only 25 cents. The petitioners further claim that the respondents ought to subdivide the land and collect taxes from the respective individuals.

4. This Court has impleaded some of the claimants in this Writ Petition. The respondents submitted that one Mr.Baskaran, who was running the chit funds business had cheated the members of the chit funds, for which the Government has initiated action against the said Baskaran and his portion of the land under was attached under Tamil Nadu Protection of Interest of Depositors Act, 1997.

5. This Court is of the considered opinion that the second respondent / Tahsildar is bound to consider the claim of the petitioners. Therefore, the Tahsildar is directed to issue notice to all interested parties who are claiming the land in the said 2 acres 91 cents, conduct an enquiry and then pass appropriate orders for subdivision. After subdivision, the petitioners shall be



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issued patta and then the petitioners shall be directed to pay the land tax for their portion of the land. The said exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petitions are disposed of. There shall be no order as to costs.

06.07.2023

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



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To
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Nagercoil.
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Killiyoor Taluk,
Killiyoor,
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- 3.The Village Administrative Officer,
Methukummal Village,
Killiyoor Taluk,
Kanyakumari District.
- 4.The Inspector of Police,
Economic Offences Wing-2,
Kanyakumari District at Nagercoil.
- 5.The District Revenue Officer,
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- 6.The Special Public Prosecutor,
TNPID Court, District Court Complex,
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S.SRIMATHY, J.

Nsr

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