



W.P(MD)No.28761 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28761 of 2022

Pal Backiam

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District..

2.The Special Thasildhar,
Adi Dravidar Welfare,
Srivilliputur,
Virudhunagar District.

3.The Thasildhar,
Srivilliputur,
Virudhunagar District.

4.Paluchamy

5.Murugesan

6.Seethalakshmi

7.Usha Rani

8.Lakshmanan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to take necessary action for measurement of the properties comprised in Plot



W.P(MD)No.28761 of 2022

No.7, S.No.508/2, 4 Vilupanur Village, Srivilliputtur Taluk, Virudhunagar District in consonance with the assignment order dated 01.08.2002 in proceedings Ref. No.533/99 on the basis of the petitioner's representation dated 27.11.2022.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1 to R3.
Mr.M.Jothi Basu for R4 to R6.

ORDER

Heard the learned counsel for the writ petitioner, the learned Special Government Pleader for the respondents 1 to 4 and the learned counsel for the respondents 4 to 6. Considering the nature of relief to be granted, issuance of notice to the respondents 7 and 8 is dispensed with.

2.The second respondent herein had issued an order of assignment dated 01.08.2002 in favour of the writ petitioner. In fact, there are other assignees also. The assignment was made in respect of the land sold by one Karuppaiah vide sale deed dated 02.03.2000 in favour of the Government. The private respondents herein are children of said Karuppaiah. The stand of the private respondents is that they are still in possession of the property and that they



W.P(MD)No.28761 of 2022

propose to file a civil suit to protect their title and possession of the property.

The petitioner on the other hand wants this Court to direct the authorities to measure the assigned land.

3.After carefully considering the rival contentions, I am of the view that the authorities will have to be directed to act on the petitioner's representation. When a piece of land has been assigned, it is duty of the authorities to identify the same on ground and hand them over to the assignees. When the third respondent acts on the petitioner's representation, he is obliged to issue notice to the private respondents herein. After considering the private respondents' objections, the Tahsildar may take consequential action. If the Tahsildar overrules the objections of the private respondents, he shall give them breathing time of four weeks. It is open to the private respondents to move the jurisdictional Civil Court in the meanwhile. If no interim order is obtained by the private respondents, the Tahsildar will proceed ahead in the matter.

4.With these directions, the writ petition is disposed of.

25.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.28761 of 2022

G.R.SWAMINATHAN, J.

ias

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Srivilliputur,
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W.P(MD)No.28761 of 2022

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