



WA Nos.798 and 800 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA Nos.798 and 800 of 2024
and CMP Nos.5399 and 5404 of 2024

G.Kandaiyan

.. Appellant in both WAs.

-vs-

1. S.Swaminathan

.. 1st Respondent in WA.798/2024

1. S.Saraswathy

.. 1st Respondent in WA.800 /2024

2. The District Collector,
Salem.

3. Revenue Divisional Officer,
Salem Division, Salem.

4. C.Vijay Babu

.. Respondents 2 to 4 in both WAs.

Prayer: Appeals filed under Clause 15 of the Letters Patent against the common order dated 05.07.2022 passed in W.P.Nos.9715 and 9716 of 2017 on the file of this Court.

For the Appellant : Mr.A.Rajeshkanna

For the Respondents : Mr.C.Kathiravan
Special Government Pleader
for RR 2 and 3.

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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.A.Rajeshkanna, learned counsel for the appellant and Mr.C.Kathiravan, learned Special Government Pleader for respondent Nos.2 and 3.

2. The original writ petitioners filed W.P.Nos.9715 and 9716 of 2017 challenging the order passed by the Revenue Divisional Officer, Salem. Under the said order, the patta issued in favour of the petitioners was cancelled. The learned Single Judge allowed the writ petitions setting aside the order of the Revenue Divisional Officer. Aggrieved thereby, the present appeals by the original respondent No.4.

3. The learned counsel for the appellant submits that the appellant is the beneficiary of the land. The appellant is allotted the land by the Government that was the subject matter of acquisition. The learned Single Judge ought not to have entertained the writ petitions. Against the order of the Revenue Divisional Officer, appeal



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lies to the District Revenue Officer. Without availing the said remedy, directly the writ petition was filed. The learned counsel further submits that the original writ petitioners are the purchasers of the property during the pendency of the acquisition proceedings. Once a notification is issued for acquisition, the property vests with the Government. According to the learned counsel, the original petitioners did not pray for issuance of patta, however, the learned Single Judge has also granted the said prayer which is not prayed for.

4. We have considered the submissions. The subject writ property bearing S.No.59/1 was the subject matter of acquisition. The said property is purchased by the writ petitioners from the original owner. It was observed by the learned Single Judge that the acquisition proceedings were withdrawn on 08.12.2003. Once the acquisition proceedings have been withdrawn, the purchase of the property by the original petitioners, may be during the pendency of the acquisition proceedings, would not have any effect. The learned Single Judge observed that the Revenue Divisional Officer failed to consider that the acquisition proceedings were withdrawn and cancelled the patta.



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5. There is nothing on record to suggest that the acquisition proceedings culminated into an award; on the contrary, specific finding has been arrived at by the learned Single Judge that the acquisition proceedings were withdrawn on 08.12.2003.

6. In light of that, we do not find any error committed by the learned Single Judge while passing the impugned order.

The writ appeals are, accordingly, disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(D.B.C., J.)

07.03.2024

Index : Yes/No

Neutral Citation : Yes/No

sra



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To

1. The District Collector,
Salem.
2. Revenue Divisional Officer,
Salem Division, Salem.



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

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