



WEB COPY



WP.No.2752 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.2752 of 2023

Eswaran

.. Petitioner

Versus

1. The District Collector
Tiruppur, Tiruppur District

2.The Revenue Divisional Officer
Dharapuram, Tiruppur District

3.The Tahsildar
Kangeyam, Tiruppur District

4.The Sub Registrar
Vellakovil Sub Register Officer
Tiruppur District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pass an order for removal of wrong entry/encumbrance which is made on the petitioner's property situated at Survey No.216/4A, Chinnamuthur, Oodayam Revenue Village, Kangeyam Taluk, Tiruppur District regarding to the Revenue Recovery Proceedings initiated for recovery of compensation amount from Noyyal River Irrigation Aayakkattu Association Members.

For Petitioner : Mr.M.Vjayaragavan

For Respondents : Mr.S.J.Mohamhed Sathik
Government Advocate



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ORDER

This writ petition has been filed for a direction, directing the 1st respondent to pass an order for removal of wrong entry/encumbrance which is made on the petitioner's property situated at Survey No.216/4A, Chinnamuthur, Oodayam Revenue Village, Kangeyam Taluk, Tiruppur District regarding to the Revenue Recovery Proceedings initiated for recovery of compensation amount from Noyyal River Irrigation Aayakkattu Association Members.

2. It is the grievance of the writ petitioner that some of the farmers were granted compensation by the Government on the ground that damages caused due to the pollution in the Noyyal River. Later it was found that some false claim has been made by some of the farmers and for the recovery of compensation received by means of false claim, proceedings has been initiated under the Revenue Recovery Act. While passing the order, the District Collector has attached the petitioner's survey number wrongly, in fact, the petitioner is no way connected with the compensation at any point of time. Hence, the petitioner seeks to remove the entries relating to the petitioner's property in the encumbrance certificate by the District Collector.

3. The third respondent has addressed a communication to the

<https://www.mhc.tn.gov.in/judis>



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Government Advocate dated 03.07.2024, wherein it is clearly stated that while passing the attachment order, instead of Re-survey No.216, Murungiyampalam Village, Kodumudi Taluk, Erode District, the petitioner's land in Resurvey No.216, Oodayam Village, Kangeyam Taluk, Tiruppur District has been wrongly included in the order. Therefore, in this regard, the Tahsildar has already sent a proceedings in Na.Ka.No.4501/2023/A1 dated 30.06.2023.

4. Heard both sides and perused the materials placed on record. By consent of both parties, this writ petition is taken up for final disposal.

5. When the officials themselves found that the petitioner's property is no way connected with the revenue recovery proceedings and has been wrongly included instead of other survey number, the first respondent is directed to pass an order in this regard to release the petitioner's property from the Recovery Proceedings and send such order to the Sub-Registrar concerned. On receipt of such communication from the District Collector, the fourth respondent/Sub Registrar shall make an entry with regard to the order of the District Collector. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

N. SATHISH KUMAR, J.



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5. Accordingly, this writ petition stands disposed of. No costs.

03.07.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

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