



W.P.No.14749 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.14749 of 2024

R.Natarajan

...Petitioner

-Vs-

1.The District Collector,
District Collectorate,
Coimbatore.

2.The Divisional Excise Officer &
Land Acquisition Officer,
Coimbatore North,
Coimbatore – 641 030.

3.The Tahsildar,
Taluk Office,
Sirumugai Road,
Mettupalayam.

4.The Special Tahsildar,
Land Acquisition,
Harijan Welfare Scheme,
Collector Office,
Railway Station Road,
Coimbatore – 18.

5.The Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

...Respondents

*** R5 suo motu impleaded vide order dated 10.06.2024
made in W.P.No.14749 of 2024 by JSNPJ*



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents herein to effect necessary changes in the revenue records relating to the lands having an extent of 2.21 acres, comprised in S.No.381/1 and 2.34 acres in S.No.381/2, situated in Sirumugai Village, Avinashi Taluk, Mettupalayam Sub-division, currently, entered as “Aadhidravidar Natham” and transfer the Patta for these properties, in the name of the petitioner and pass such further orders.

For Petitioner : Mr.S.Kadarkarai

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the respondents herein to effect necessary changes in the revenue records relating to the lands having an extent of 2.21 acres, comprised in S.No.381/1 and 2.34 acres in S.No.381/2, situated in Sirumugai Village, Avinashi Taluk, Mettupalayam Sub-division, currently, entered as “Aadhidravidar Natham” and transfer the Patta for these properties, in the name of the petitioner.



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2. The case of the petitioner is that the properties situated in S.No.776 & 777, S.No.562/1, S.No.562/3, S.No.381/1, S.No.381/2, S.No.227/2B, S.No.377/2, S.No.566/2, S.No.267 and 574/3, S.No.562/1 and S.No.574/3 and other properties were originally owned by his father Shri. Rangasamy Gowder and after his demise, the petitioner and his brothers, divided their father's properties, by means of a Registered Partition Deed, dated 09.04.1955. The properties involved in the instant Writ Petition and other properties, came to be allotted in the name of the petitioner and since the date of said Partition he has been in exclusive possession and enjoyment of the same, uninterruptedly for more than several years. The subject properties were sought to be acquired by the Government of Tamil Nadu under the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 and the same was challenged owing to serious legal flaws in the proposed acquisition. Hence, the petitioner filed a Writ Petition in W.P.No.14252 of 1996 and respondents 1 and 2 were arrayed as Party Respondents and the same, on merits, was allowed by this Court by order dated 25.10.2002 and thus the land acquisition proceedings came to be quashed and no Writ Appeal or any other proceedings have been initiated by the respondents thereafter and as such the order passed by this Court is



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binding on the respondents.

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3. Learned counsel for the petitioner submits that during the pendency of the above legal proceedings, the third respondent herein, hurriedly effected changes in the Patta, relating to these properties, by inserting the name of the Government, as "Aadhidravidar Natham". But the efforts of the petitioner on foot of the order in W.P.No.14252 of 1996, dated 25.10.2002, were in vain. Hence the petitioner filed a Civil suit in O.S.No.130 of 2015, on the file of the Court of District Munsif, Mettupalayam, against respondents 1, 2 and 3 herein, seeking for a Decree of Mandatory injunction, directing them to effect necessary changes in Revenue Records and transfer the Patta of the suit properties in his name and also sought for a specific direction, directing respondents 1 and 2 herein to delete the word "Aadhidravidar Natham" found in the revenue records and substitute name of the petitioner therein. The said suit was decreed on 08.02.2017 in favour of the petitioner. Even thereafter, the respondents, in spite of repeated insistence and requests from the petitioner, to effect necessary name changes in the revenue records and grant of Patta in his name, have not complied with the same till date. His issuance of Legal notice dated 10.11.2023 in this regard also did not resolve the impasse. Aggrieved



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by the same, the petitioner has approached this Court by way of filing this present writ petition.

4. Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of the respondents.

5. Learned Additional Government Pleader appearing for the respondents submitted that representation of the petitioner has to be given to the Commissioner of Land Administration, Chennai, who is the Competent Authority. Hence, it is necessary to implead him as the fifth respondent in this present writ petition.

6. In view of the above submission made by the learned Additional Government Pleader appearing for the respondents, **this Court *suo motu* impleaded the Commissioner of Land Administration, Chennai, as the fifth respondent in the present writ petition.**

7. Heard both sides and perused the materials available on record.



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8. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, issues the following directions:

- a) The petitioner is directed to give a representation to the fifth respondent / The Commissioner of Land Administration, Chennai, within a period of two weeks.**
- b) On receipt of the same, the fifth respondent is directed to conduct a detailed enquiry and dispose of the petitioner's representation after giving notice to both parties, affording an opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law thereby following the above principles of natural justice within a period of six weeks from the date of receipt of a copy of this order.**

In the result, the writ petition stands disposed of with the above observation and direction. No costs.

10.06.2024



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cda

Index : Yes/No

Speaking/Non Speaking order

To

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J.SATHYA NARAYANA PRASAD, J.

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