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W.P. No.16135 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.16135 of 2024 and
W.M.P. No.17678 of 2024

Dr.V.Sachidanandam

... Petitioner

Vs

1.The District Collector
Erode District
Perundurai Road
Erode -638 011

2.The Revenue Divisional Officer
(Incharge Land Acquisition)
Brough Road
Erode - 638 011

3.The Tahsildar
O/o.Tahsildar
Erode Taluk, Erode District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records in on-line application No.2024/0105/10/303877 order issued through SMS dated 10.05.2024 on the file of the 3rd respondent and quash the same as illegal and direct the 3rd respondent to issue sub-division patta for the property situated at



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Kasipalayam C-Village, Erode Taluk, Erode District, comprised in Survey Nos.743/1A, 743/1B, 743/1C, 743/1D, 743/1E and 743/1F, totally measuring an extent of 0.95.5 hectares (2.36 acres)

For Petitioner : Mr.Muthucharan Sundresh

For Respondents : Mr.P.Sathish
Addl. Govt. Pleader for R1 to R3

ORDER

Challenge has been made to the impugned order passed by the third respondent rejecting the request of the petitioner's application seeking sub division of the property in Survey Nos.743/1A, 743/1B, 743/1C, 743/1D, 743/1E and 743/1F, totally measuring an extent of 0.95.5 hectares (2.36 acres).

2. It is the contention of the petitioner that all the properties were originally subject matter of acquisition by the Housing Board. However, that acquisition proceedings have been withdrawn later and the survey numbers have been de-notified from the acquisition and the Government has also passed an order in this regard in G.O. Ms. No.178 dated 19.10.2022. However, now the impugned order has been mechanically passed.



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3. Mr.P.Sathish, learned Additional Government Pleader, who took notice on behalf of the respondents 1 to 3, would submit that as far as de-notification and the release of lands from the acquisition, is not disputed. The only contention of the respondents is that the petitioner sought sub-division in respect of the land bearing R.S. No.743/1B1. According to them, as there was an objection by the Housing Board, sub division was not effected.

4. It is relevant to note that as long as the subject properties in the survey numbers mentioned above are not with the Housing Board and the acquisition proceedings have been withdrawn and the land acquisition notification issued was also lapsed, the property was restored with the original owner. Such being the position, now the authorities cannot reject the application of the petitioner merely on the objection of the Housing Board. Land acquisition proceedings have already lapsed and no further action is taken, the owner cannot be denied the right to enjoy the property. In such view of the matter, this court has no hesitation to set aside the impugned order.

5. Accordingly, this writ petition is allowed and the impugned order is set aside. The application of the petitioner for sub-division patta, shall be processed



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on merits and fresh order has to be passed, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected writ miscellaneous petition is closed.

28.06.2024

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

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Erode Taluk, Erode District

4.The Government Pleader

High Court, Madras

N.SATHISH KUMAR, J.

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