



W.P.No. 22119 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 22119 of 2024
and W.M.P No.24117 of 2024

- 1 M.Amutha
- 2 R.Sarasal
- 3 N.Palanisamy
- 4 D.Murugan
- 5 Kuppammal
- 6 P.Arukkani
- 7 Selvan
- 8 S.Karuppammal
- 9 A.Chinnasamy
- 10 K.Angamuthu
- 11 P.Duriayan
- 12 R.Selvi
- 13 Rangasamy
- 14 Renuka
- 15 Malar
- 16 Shanthamani
- 17 Kuppammal
- 18 Rangammal



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- 19 Kuppammal
- 20 K.Palanal
- 21 Murugan
- 22 Aaran
- 23 Bannari
- 24 Kumaran
- 25 Nagamani
- 26 Arumugam
- 27 Subbal
- 28 Natchimuthu
- 29 Veeran
- 30 Palanal
- 31 Nagaraj
- 32 Vasanthamani
- 33 Rajammal
- 34 Thulasi
- 35 Pappal
- 36 Kaliyammal
- 37 Senthilkumar
- 38 Dhanalakshmi
- 39 Velammal
- 40 P.Arumugam
- 41 K.Suresh
- 42 Santhamani
- 43 V. Karuppan
- 44 P.Subramani
- 45 Marudachalam



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46 V.Santhamani

...Petitioners

Vs.

- 1 The Additional Chief Secretary cum
Commissioner for Land Administration
Ezhilagam, Chepauk,
Chennai-600 005
- 2 The State of Tamilnadu
Rep. by the Secretary to Government,
Revenue Department,
Secretariat,
Chennai- 600 009
- 3 The District Collector
Coimbatore District,
Coimbatore- 641 018
- 4 The District Revenue Officer
Coimbatore District,
Coimbatore- 641 018
- 5 The Revenue Divisional Officer
Coimbatore (South),
Coimbatore- 641 018
- 6 The Tahsildar
Sulur Taluk,
Coimbatore District
- 7 The Additional Chief Secretary
Commissioner of land Reforms,
Commissionerate of land Reforms, Chepauk,
Chennai 600 005
- 8 The Director of land reforms,



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Directorate of land Reforms,Chepauk,
Chennai 600 005

...Respondents

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Prayer: Writ Petition is filed under Article 226 of the constitution of India praying to issue a Writ of Mandamus directing the respondents herein to issue patta to the petitioners herein and hand over the peaceful and vacant possession of assigned land to the petitioners herein based on the Assignment Order in Na.Ka.M.R.4/558/17-70/A4 dated 30.04.2004 on the file of the then Assistant Commissioner of Land Reforms, Erode and the petitioner's representation dated 16.07.2023 within the stipulated time as prescribed by this Court.

For Petitioner : Mr.A.Prakash

For Respondents : Mr.M.R.Gokul Krishnan
1 to 8 Additional Government Pleader

ORDER

This Writ Petition is filed for a mandamus to issue a direction to the respondents herein to issue patta to the petitioners herein and hand over the peaceful and vacant possession of assigned land to them based on the Assignment Order in Na.Ka.M.R.4/558/17-70/A4 dated 30.04.2004 on the file of the then Assistant Commissioner of Land Reforms, Erode pursuant to their representation dated 16.07.2023.



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2. The petitioners, numbering 46, belonged to the schedule caste community. In the year 1990, they had requested the then District Collector, Coimbatore District to allot some agricultural land to enable them to carry on agricultural activities. On 20.01.2004, the then Assistant Commissioner of Land Reforms, Erode (the said post is now scrapped and the power has been given to the District Collector) had advertised in the village through a public notice, requesting the petitioners to submit their request in Form C for an enquiry to allot some agricultural land to landless schedule caste people and calling for objections, if any, under Rule 8(2) of the Land Reforms Act. 71 applicants including the petitioners had applied in Form-C. After following the procedures contemplated under the Land Reforms Act, 1965, the petitioners were assigned 50 cents each of agricultural lands in Survey No.8/1Part of Kalangal Village, Palladam Taluk (now Suler Taluk). The petitioner had also paid the required amount on 14.06.2004 to the Treasury, Palladam. Thereafter, they were also served with Assignment Orders from the then Assistant Commissioner



of Land Reforms, Erode on 30.04.2004. However, to date, the assigned land has not been shown or demarcated. The petitioners have been continuously approaching the respondents 5 and 6 with regard to the allotment of land. Despite being allotted lands, the petitioners are not able to cultivate their own lands and are forced to work as daily wages. Thereafter, the petitioners made representations dated 25.03.2023 and 16.07.2023 to the respondents 1 and 3 in this regard. The 1st respondent had forwarded the representations to the 3rd respondent for enquiry and taking appropriate action. Despite this order from the 1st respondent, the 3rd respondent has not taken any action to date. The petitioners would submit that their assignment is a conditional one where under there is a fetter placed upon them from further alienating or transferring the assignment. The petitioners would submit that other community people are attempting to enter the land which has been assigned to the petitioners.

3. Heard the learned counsels on either side.



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4. From the counter affidavit filed by the 5th respondent for and on behalf of respondents 1 to 4 and 6, it is clear that after all the legal proceedings, finally the lands to the extent of 40.83 ½ acres equivalent to 13.615 standard acres had been declared as surplus which is the extent that has been assigned to the petitioners. A final statement was also published in the Tamil Nadu Gazette. Therefore, there is no impediment for handing over the possession of the properties to the petitioners. The said exercise shall be completed within a period of one month from the date of receipt of a copy of this order. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
srn

To,
1 The Additional Chief Secretary cum
Commissioner for Land Administration
Ezhilagam, Chepauk, Chennai-600 005



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- 2 The Secretary to Government,
Government of Tamil Nadu
Revenue Department,
Secretariat, Chennai- 600 009
- 3 The District Collector
Coimbatore District,
Coimbatore- 641 018
- 4 The District Revenue Officer
Coimbatore District,
Coimbatore- 641 018
- 5 The Revenue Divisional Officer
Coimbatore (South),
Coimbatore- 641 018
- 6 The Tahsildar
Sulur Taluk,
Coimbatore District
- 7 The Additional Chief Secretary
Commissioner of land Reforms,
Commissionerate of land Reforms,Chepauk,
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Directorate of land Reforms,Chepauk,
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P.T. ASHA, J,

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