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W.P.No.29515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTAR

W.P No.29515 of 2024
and
W.M.P.No.32171 of 2024

K.Nachimuthu

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Representation by its Secretary,
Department of Revenue,
Fort St.George,
Chennai 600 009.

2.The Joint Commissioner for Land Administration,
Chepauk, Chennai 600005.

3.The District Revenue Officer,
Tirupur, Tirupur District.

4.The Tasildar,
Paladam Taluk,
Tirupur District.

5.The Settlement Tahsildar No – 2,
Gopichatipalayam.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records and order of the second respondent dated 23.05.2024 in letter No.K2/6842355/2024 and quash the same as illegal and further directing the second respondent to entertain the petitioner's appeal filed under Tamil Nadu Minor Inams (Abolition and Conversion Into Ryotwari) Act, 1963 and pass orders on merits within a stipulated time fixed by this Court.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.S.J.Sathik Mohamed for R1 to R5
Government Advocate

ORDER

This Writ Petition is filed challenging the order passed by the second respondent dismissing the application filed by the petitioner seeking to set aside the order passed by the Settlement Thasildar, Gobichettipalayam, dated 24.08.1968.



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2. It is the case of the petitioner that 6.28 acres of land in S.No.575/2 and 0.78 acres in S.No.575/3A at Karaipudhur Village, Palladam Taluk, Tiruppur District, were purchased by the petitioner's grand father Goundappa Gounder, under a registered sale deed dated 03.12.1948 from one Palanisamy Gurukal and others. He further stated that the petitioner and predecessor in interest have been in possession and enjoyment of the said property.

3. It is seen from the averments found in the affidavit and the documents filed in the typed set of papers that after coming into force of Tamil Nadu Minor Inams (Abolition and Conversion Into Ryotwari) Act, 1963 the subject property was taken over and settlement patta was issued in the name of the Alagarwamy Temple, Allalapuram, as per the orders passed by the Settlement Tahsildar No.2, Gobichettipalayam. The petitioner's father Kaliappa Gounder was party to the said order but the same has not been challenged by the petitioner's father in the manner known to law.

4. In fact the petitioner's father was examined as PW5 before the Settlement Thasildar. Though the other claimants filed appeal before the Minor



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Inam Tribunal, the petitioner's father Kaliyappa Gounder has not challenged the order passed by the Settlement Thasildar in favour of the above mentioned temple. Now the petitioner wants to challenge the order after nearly 60 years. Therefore, the second respondent rightly dismissed the application filed by the petitioner on the ground that the order passed by the Settlement Thasildar had attained finality and the same was not challenged by the petitioner's father within time. I do not find any error in the order passed by the second respondent and accordingly, this Writ Petition is dismissed. The dismissal of the Writ Petition will not come in the way of the petitioner establishing his title, if any, before the Civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

14.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna



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To

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S.SOUNTHAR, J.
dna

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