



WEB COPY



W.P.No.37081 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.37081 of 2024

P.Subramani

... Petitioner

Vs.

1. The Tahsildar,
Taluk Office,
Omalur, Omalur Taluk,
Salem District.

2. The Special Tahsildar,
Land Acquisition
Salem Neighbourhood Scheme,
Iyyan Thirumaligai,
Salem – 8.

3. The Executive Engineer,
TNHB, Salem Housing Unit,
Iyyan Thirumaligai,
Salem – 8.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 1st respondent dated 25.11.2024 in his proceeding Na.Ka.1413/2024/A1, quash the same and consequently direct the 1st respondent to change the Revenue Records viz., Patta, Chitta and Adangal in



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favour of the petitioner in respect of land in Survey Nos.83/1E3, 88/4B,88/4C,88/7,89/1B,89/1C,90/1B & 91/2 at Kottagoundampatti Village, Omalur Taluk, Salem District.

For Petitioner : Mr.M.Elango

For R1 and R2 : Mr.A.Selvendran
Special Government Pleader

ORDER

Mr.A.Selvendran, learned Special Government Pleader takes notice on behalf of the Respondents.

2. This Writ Petition has been filed for a Certiorarified Mandamus to call for the records relating to the order passed by the 1st respondent dated 25.11.2024 in his proceeding Na.Ka.1413/2024/A1, quash the same and consequently direct the 1st respondent to change the Revenue Records viz., Patta, Chitta and Adangal in favour of the petitioner in respect of land in Survey Nos.83/1E3, 88/4B,88/4C,88/7,89/1B,89/1C,90/1B & 91/2 at Kottagoundampatti Village, Omalur Taluk, Salem District.



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3. It is the case of the Petitioner that the agricultural lands belonging to him comprised in Survey Nos.83/1E3, 88/4B,88/4C,88/7,89/1B,89/1C,90/1B & 91/2 at Kottagoundampatti Village, Omalur Taluk, Salem District was acquired by the Government and an Award came to be passed on 22.08.1995. This Award was challenged by the Petitioner and ultimately by an Order in W.A.No.3989 of 2019, the same was allowed thereby declaring the entire land acquisition proceedings as having lapsed. While so, after the Award was passed, the 1st Respondent had mutated the Revenue Records in favour of the Tamil Nadu Housing Board (TNHB) in the light of the order passed by the Hon'ble Division Bench declaring the acquisition proceedings having lapsed. The Petitioner had made a representation on 27.07.2024 requesting the Respondent to change the Revenue Records. However, the 1st Respondent did not come forward to do the same to comply with the request and therefore, the Petitioner had filed W.P.No.25970 of 2024 seeking disposal of the above representation. By an Order dated 04.09.2024 the above Writ Petition was allowed directing the 1st Respondent to consider the representation of the Petitioner and pass Orders. Pursuant to the Order in W.P.No.25970 of 2024, the Respondents had considered the representation of the Petitioner but had



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changed the Revenue Records only in respect of survey number.

Therefore, the Petitioner is before this Court.

4. Heard the learned counsel on both side.

5. Considering the fact that the land acquisition proceedings had been declared as having lapsed, the Patta in respect of the survey numbers should revert back to the original owner. Recognizing the above, the Respondents have mutated the Revenue Records with reference to survey numbers but has failed to follow it in the other survey numbers. Therefore, since the Respondents have not discharged their statutory duty properly, the Writ Petition is allowed and a Mandamus is issued to the Respondents to forthwith change the Patta in respect of all other survey numbers. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this Order. No costs.

06.12.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
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P.T.ASHA, J.

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