



W.P.(MD)No.6362 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **13.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.6362 of 2022

C.Baskar

... Petitioner

-Vs-

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The District Revenue Officer,
Collectorate Office,
Thanjavur District.

3.The Revenue Divisional Officer,
Collectorate Office,
Thanjavur District.

4.The Tahsildar,
Thanjavur Taluk,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 12.03.2022 and to return 78.4 cents of property out of 98 cents in Survey No.140/4, Thirumalai Samuthiram Village, Thanjavur Taluk, Thanjavur District, which was wrongly taken over by the Government towards the arrears of the revenue tax for the Fasili 1346.



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For Petitioner : Mr.M.R.Sreenivasan
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition has been filed seeking for a direction to the respondents to consider the representation of the petitioner dated 12.03.2022 filed seeking return of 78.4 cents of property out of 98 cents in survey No. 140/4, Thirumalai Samuthiram Village, Thanjavur Taluk, Thanjavur District.

2.The father of the petitioner owned land to an extent of 98 cents. The petitioner father was due in payment of property tax. In order to recover the property tax, action had been taken and accordingly, the property of the petitioner's father was brought for auction. No one came forward to purchase the same and as such, the property was possessed by the Government. Now after a lapse of more than 85 years, the petitioner submitted a representation by collecting information from RTI, seeking return of the their land stating that the petitioner is ready and willing to pay the property tax whatever due by his father.



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3.Perusal of the Counter affidavit filed by the respondents shows that that the petitioner's father was due in payment of property tax and as such the property was brought for auction. However, no one came forward to purchase the same. Hence, the Government itself had taken the land by proceedings dated 20.08.1937. It is further averred that the petitioner has submitted a representation after a lapse of 85 years. That apart, property was not sold. Instead, the property of the petitioner was taken over by the Government. In fact, the petitioner had filed writ petition for similar relief in W.P.(MD)No. 17327 of 2019 and the same was dismissed as withdrawn, since this Court pointed out that there is inordinate delay and laches. Further, the Revenue Standing Order in RSO No.45 (4)(2) stipulates that if revenue recovery order is prior to Fasili 1366, then restoration should be done on or before 30.06.1958.

4.It is to be noted that the petition to set aside the sale made in a public auction should be filed within a period of 30 days from the date of sale as per Section 38 of the Tamil Nadu Revenue Recovery Act. Thus the petitioner approached this Court with an inordinate delay. This Court finds no merits in this writ petition. Accordingly, this writ petition stands dismissed as devoid of merits. However, the petitioner is at liberty to submit a representation to the



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third respondent to purchase the subject land on the market price prevailing as on today. On receipt of the such representation, the third respondent shall consider the same and pass appropriate orders on its own merits, if the said land is available with the Government. No costs.

13.12.2024

Index : Yes / No
NCC : Yes / No
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