



W.P.(MD)No.13523 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.13523 of 2021

and

W.M.P.(MD)Nos.10479 and 10482 of 2021

Mahadanapuram Grama Samudayam,
Mahadanapuram Post,
Kanyakumari District-629702.
Through its Managing Trustee

... Petitioner

Vs.

1. The Collector,
Kanyakumari District,
Nagercoil.
2. The District Revenue Officer,
Kanyakumari District.
3. The Revenue Divisional Officer,
Kanyakumari District.
4. The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.
5. The Assistant Engineer,
Water Resources Organisation,
Public Works Department,
Irrigation Section,
Mylaudy, Kanyakumari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings passed by the fifth respondent in Auction Advertisement No.Ko.28/266-5/2021 dated 28.06.2021 and quash the same and further forbearing the respondents in any manner interfering with the petitioner trust's right, enjoyment and management of the land and tank viz., Narikulam in Re-survey No. 351, Leepuram Revenue Village (Survey No.1531, Kanyakumari Revenue Village, Old Survey No.1409/408/460) covering an extent of 27.96.5 hectares at Mahadanapuram, Agasteeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

The Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings passed by the fifth respondent in Auction Advertisement No.Ko.28/266-5/2021 dated 28.06.2021 and quash the same and further forbearing the respondents in any manner interfering with the writ petitioner Trust's right, enjoyment and management of the land and tank viz., Narikulam in Re-survey No. 351, Leepuram Revenue Village



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(Survey No.1531, Kanyakumari Revenue Village, Old Survey No. 1409/408/460) covering an extent of 27.96.5 hectares at Mahadanapuram, Agasteeswaram Taluk, Kanyakumari District.

2. As rightly contended by the learned Special Government Pleader appearing for the respondents, the auction notice is only for the period from April-2021 to March-2024 and since the said period is already over, the prayer has become infructuous.

3.The learned counsel appearing for the writ petitioner would submit that though the first prayer has become infructuous, they have claimed orders for forbearing the respondents from in any manner interfering with the writ petitioner Trust's right and management of the tank in dispute. He would further submit that the writ petitioner has already filed a writ petition in W.P.(MD)No.3913 of 2009 challenging the order passed by the District Revenue Officer dated 22.04.2009 refusing to grant patta, which was claimed on the basis of the order passed by the Assistant Settlement Officer and this Court, vide order dated 20.12.2023, by setting aside the order passed by the District Revenue Officer dated



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22.04.2009 remitted the matter back to the District Administration for fresh consideration and in case, if the District Administration is of the view that patta cannot be granted to the tank in dispute, the matter may be referred to Commissioner of Land Administration, Chennai and the same shall be decided by the Commissioner of Land Administration, Chennai, in accordance with law.

4. Admittedly, the above order came to be passed on 20.12.2023. The matter is now pending before the District Administration. Considering the order passed by this Court in W.P.(MD)No.3913 of 2009 and taking note of the submission made by the learned counsel appearing for the writ petitioner, the present Writ Petition is closed subject to the order to be passed by the District Administration or in case, if the matter is referred to the Commissioner of Land Administration, Chennai, then by the said authority. Consequently, connected Miscellaneous Petitions are closed. No costs.

05.04.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm



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Kanyakumari District.
5. The Assistant Engineer,
Water Resources Organisation,
Public Works Department,
Irrigation Section,
Mylaudy, Kanyakumari District
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J

csm

Order made in
W.P.(MD)No.13523 of 2021
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Dated : 05.04.2024