



W.P(MD)No.14493 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14493 of 2024

S.S.Baskar

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector Office,
7A, National Highway, PSP Nagar,
Korampallam, Tuticorin.

2.The Revenue Tahsildar,
Tuticorin Taluk,
Tuticorin.

3.The Block Development Officer,
Kumaragiri Village Panchayat,
Kumaragiri Village, Tuticorin.

4.The President,
Kumaragiri Village Panchayat,
Kumaragiri, Tuticorin.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to restore Status Quo Ante/ back to its original position, that stood prior to the order of Sub - Collector, Tuticorin dated 16.03.1981 in respect of an extent of



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1.62 Acres in S.No.509/6 situated at Kumaragiri Village, Tuticorin Taluk and District to the legal heirs of late. Kasikaniammal.

For Petitioner : Mr.R.Vignesh

For Respondents : Mr.D.Sasikumar,
Addl. Government Pleader for R1 to R3.

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3.

2.The petitioner herein was one the petitioners who filed W.P.(MD)No.24909 of 2022. The said writ petition was allowed by me on 22.01.2023. The writ petitioners were directed to be issued with patta and the authorities were directed to make appropriate mutation in the revenue record. Paragraph No.13 of the said order reads as follows:-

“13.The subsequent action of the respondents is anchored entirely on the cancellation order dated 16.03.1981. Once it is held that this order is void ab initio, all the subsequent actions also have to be correspondingly nullified. As already noted, patta pass book was issued in favour of Kasikanniammal. There is also record to show that kist was paid till 1990. It is not as if some buildings have been erected in the



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place in question. While the right to property has ceased to be a fundamental right (Articles 19(1)(f) and 31 of the Constitution of India, deleted by 44th Amendment), it still retains the status of constitutional right under Article 300A of the Constitution of India. The respondents cannot therefore, casually meddle with the property right of the citizens.”

3.The said order has been put to challenge by filing writ appeal. In the meanwhile, contempt petition was filed and the order of this Court has also been complied with. The compliance was subject to the outcome of the writ appeal.

4.The prayer in this writ petition is that some construction have been put up by the local body and that they should be removed and the *status quo ante* should be restored. No exception can be taken to this request. The petitioner's prayer is in consonance with the earlier order passed by this Court. Of course, I should give breathing time to the respondents. But then, it is not as if the petitioner rushed this Court immediately after obtaining relief in the writ petition. The writ petition was allowed on 22.01.2023. The order copy was issued on 09.03.2023. We are now in July 2024. Therefore, I have no hesitation to grant relief as sought for. The respondents are directed to restore the original position that obtained prior to the passing of the order dated



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16.03.1981 by the Sub Collector, Tuticorin. Since the learned Additional Government Pleader informs the Court that writ appeal has been subsequently filed, this order can be implemented after three months. If in the meanwhile any development favourable to the respondents takes place, this order will abide by the outcome of the writ appeal said to have been filed against the order 22.01.2023 in W.P.(MD)No.24909 of 2022.

5.The writ petition is allowed on these terms. No costs.

02.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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7A, National Highway, PSP Nagar,
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4.The President,
Kumaragiri Village Panchayat,
Kumaragiri, Tuticorin.



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G.R.SWAMINATHAN, J.

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