



W.P.(MD)No.17314 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.17314 of 2023

Subramanian

...Petitioner

/Vs./

1.The District Collector,
Trichy District, Trichy.

2.The Special Tahsildar For Land Acquisition,
Adhi Dravidar Welfare Department,
Musiri, Trichy District

3.The Tahsildar,
Musiri Taluk,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent to change the patta for the land in survey no. 6/2 at Musiri Village, Trichy District from the 2nd respondent's name to the petitioner name based on the petitioner's representation dated 12.04.2023.



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For Petitioner : Mr.Subash Babu
Senior Counsel

For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the 3rd respondent to change the patta for the land in S.No.6/2 at Musiri Village, Trichy District from the 2nd respondent's name to the petitioner's name, based on the petitioner's representation dated 12.04.2023.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner's land was originally acquired by the government under Tamilnadu Acquisition of Land for Harijan Welfare Schemes Act, 1978. Thereafter, as the Act was struck down by this Court, the second respondent did not use the land. As such, the petitioner continued to be in possession and enjoyment of the subject land. While this being so, the second respondent tried to interfere with the petitioner's peaceful



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possession and enjoyment of the subject property and therefore, the petitioner filed a suit in OS No. 992 of 1982, before the District Munsif Court, Musiri seeking for permanent injunction restraining the respondents 1 and 2 from interfering with his peaceful possession. As the suit was dismissed on 29.06.1985, the petitioner preferred an appeal in AS No.124 of 1986 before the V Additional Sub Court, Trichy. The said appeal was allowed on 27.03.1987, in favour of the petitioner.

4. However, the respondents 1 and 2 did not file any appeal and the judgment and decree passed by the appellate Court attained finality. On 05.10.1994, the second respondent issued a notice to the petitioner to repay the amount of Rs. 11428.70 received by him under the acquisition proceedings. The petitioner repaid the said amount to the second respondent and thereafter, the second respondent issued yet another notice on 19.04.1998 to the petitioner, directing him to pay the interest of Rs.20,435/- for the compensation amount. The petitioner paid the interest also. The petitioner continued to be in peaceful possession and enjoyment of the property without any hindrance from any party.



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5. At this juncture, the petitioner came to know that patta for the subject property stood in the name of the second respondent and therefore, the petitioner requested the respondents to transfer the patta in his name. As the land acquisition proceedings were set aside and even, the compensation amount along with the interest was repaid by him, the petitioner sent a representation on 26.04.2023, to the respondents requesting for transfer of patta from the second respondent's name to his name. Since no action was taken on the petitioner's representation, the petitioner filed the above writ petition for the aforesaid relief.

6. The learned counsel appearing for the petitioner submitted that the acquisition proceedings initiated by the respondents was quashed by this Court and the compensation amount was also repaid by the petitioner along with the interest. However, despite the said facts, the patta continued to be in the name of the second respondent, who absolutely had no right or interest over the property. The learned counsel further submitted that the respondents had also lost before the civil Court and therefore, the respondents ought to be directed to issue patta in favour of the petitioner.



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7. The learned Government Advocate appearing for the respondents submitted that a direction may be issued to the first respondent to consider the petitioner's representation.

8. It is an undisputed fact that the acquisition proceedings initiated against the petitioner's lands was quashed by this Court as early as on 09.09.1981. The petitioner was in enjoyment and possession of the property, until he was sought to be disturbed by the second respondent in 1981. The petitioner therefore approached the civil Court for a decree of permanent injunction against the first and second respondents. Though the suit was dismissed by the trial Court on appeal by the petitioner in AS No.124 of 1986, the appellate Court allowed the appeal in favour of the petitioner on 27.03.1987. The civil Court decree in in AS No.124 of 1986 was not challenged by the respondents and so the same attained finality.

9. The respondents, vide the communication dated 05.10.1994 and 19.04.1998 directed the petitioner to remit the compensation amount of



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Rs. 11428.70- received by him and also the interest of Rs.20,435/- respectively. Even, the said amount was paid by the petitioner. Thereafter, the petitioner continued to be in peaceful possession and enjoyment of the property. When the petitioner came to know that patta continued to be in the name of the second respondent, the petitioner approached the respondents to transfer Patta in his name. The respondents did not heed to the petitioner's request, and therefore he submitted a detailed representation on 26.04.2023, requesting the respondents to transfer patta in his name. As the respondents did not take any action for transfer of patta in his name, the petitioner filed the above petition for the aforesaid relief.

10. From the narration of facts, it is clear that the respondents have no right over the petitioner's property in as much as the acquisition proceeding was quashed by this Court and also the entire compensation amount along with the interest was recovered by the respondents from the petitioner. The respondents also suffered a civil Court decree which attained finality. Therefore, the respondents are duty bound to transfer the patta in favour of the petitioner. The petitioner submitted his



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representation as early as on 26.04.2023, but the respondents did not initiate any action for transfer of patta. In my view, this is a fit case for issuing a positive direction to the respondents to transfer patta in the name of the petitioner. In view of the same, the respondents are directed to transfer Patta in the name of the petitioner in respect of the subject property within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is allowed accordingly. No costs.

10.12.2024

Index : Yes / No
NCC : Yes / No
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N.MALA, J.

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TO:

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. Assistant Director of Survey,
The Collector Office Building,
Thoothukudi,
Thoothukudi District.
3. The Tahsildar,
Kovilpatti,
Thoothukudi District.
4. The Head Surveyor,
Taluk Office, Kovilpatti,
Thoothukudi District.

Order made in
W.P.(MD)No.17314 of 2023

Dated:
10.12.2024