



W.P.(MD) No.18620 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.18620 of 2024

Subhash Chandra

.. Petitioner

Vs.

- 1.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai-600 005.
- 2.The District Collector,
Tiruchirappalli District,
Collector's Office Compound,
Tiruchirappalli-620 001.
- 3.The District Revenue Officer,
Tiruchirappalli District,
Collector's Office Compound,
Tiruchirappalli-620 001.
- 4.The Revenue Divisional Officer,
Tiruchirappalli District,
Collector's Office Compound,
Tiruchirappalli-620 001.
- 5.The Tahsildar,
Thiruverumbur Taluk Office,
Tiruchirappalli District-620 014.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the 1st respondent to conclude the report given by the 5th respondent *vide* Na.Ka.No.A4/54/2020 dated 16.09.2020 and to issue necessary orders for collection of the amount Rs.3,50,400/- fixed by the 5th respondent for the petitioner's property measuring an extend of 2400 sq.ft situated in survey No.35/22 Kumbakudi Village, Thiruverumbur Taluk, Trichy District and to issue patta and other revenue records in respect of the above said property in the petitioner's favour within a time frame to be stipulated by this Court.

For Petitioner : Mr.I.Velpradeep

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner has approached this Court under Article 226 of the Constitution of India for a mandamus to the first respondent to conclude the report given by the fifth respondent in his proceedings bearing Na.Ka.No.A4/54/2020, dated 16.09.2020 and issue necessary orders for collection of the amount Rs.3,50,400/-, which was fixed by the fifth respondent for the petitioner's property measuring an extent of 2400 sq.ft



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situate in survey No.35/22, Kumbakudi Village, Thiruverumbur Taluk, Trichy District and issue patta and other revenue records in favour of the petitioner.

2. The subject matter of the writ petition is the lands measuring a total extent of 16.88.5 H in the abovesaid village comprised in S.Nos.34, 35, 41/6 and 41/7. These lands were originally assigned to 53 persons and pattas were also issued in their favour. Subsequently, the pattas were cancelled by orders of the third respondent dated 16.09.1993.

3. Challenging the same, some of the assignees had filed appeals before the first respondent to set aside the cancellation order. The first respondent by his order in Rc.Nos.G1/57088/93 & 6851/94, dated 29.10.2001, had passed the following order:

“In the above circumstances, while considering the entire facts of the case, it is clear that the land assignments made free of cost to the appellants are found to be irregular and that some of the appellants have violated the conditions of free assignment. However, since it was brought to notice that in most



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of the assigned lands, buildings have been constructed, it is not fair to cancel the assignment after a long span of time which will make the issue more complicated. In order to avoid such complication in their issue, it is fair to reassign the land to the persons actually in possession of the property after verifying their eligibility and on collection of double the market value of the land wherever the occupants are not eligible for assignment free of cost. I remit the case back to the District Revenue Officer for fresh disposal after field verification of each and every case as observed above.”

4. The petitioner would submit that during the pendency of the appeals, he had purchased a plot measuring 2400 sq. ft. in S.No.35/2 from one Lalitha, who in turn had purchased the same from the original assignee Mari Mooppan, son of Mooppan on 19.10.1994 and has been in possession of the same since then.

5. The petitioner would submit that he has put up construction in the said property after availing a loan from the Bank. Despite the orders



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dated 29.10.2001, the third respondent has not come forward to hold an enquiry and collect the amount. Further, the fifth respondent had registered an objection in the Registration Department that no documents in respect of the above survey number should be registered. Therefore, the petitioner had made several representations to the second respondent.

6. The records would show that the fifth respondent had issued a notice dated --.06.2020 signed on 11.06.2020 calling upon the petitioner to appear for a personal hearing before him on 17.06.2020. On 17.06.2020, the petitioner had appeared and agreed to pay the enhanced sum of Rs.3,50,400/-. Despite this categoric finding for purchasing the land, the respondents have not proceeded further from 17.06.2020 to give effect to the order/report of the first respondent. The proceedings that had been initiated by the Tahsildar was only pursuant to the order passed by the first respondent on 29.10.2001.

7. There appears to be no impediment for giving effect to the order of the first respondent dated 29.10.2001. Therefore, this Writ Petition is



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allowed and a mandamus is issued to the fifth respondent to receive the enhanced amount and re-assign the land to the petitioner and mutate the patta and other revenue documents in favour of the petitioner on or before 19.08.2024. No costs.

8. Post the matter 'for reporting compliance' on 20.08.2024.

05.08.2024

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

abr

To

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P.T.ASHA, J.

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