



W.P.(MD)Nos.22607 and 24452 of 2018 and 1210 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.22607 and 24452 of 2018
and 1210 of 2019
and

W.M.P.(MD)Nos.20487, 20488, 22157 of 2018
and 1021, 1022 and 2981 of 2019

W.P.(MD)No.22607 of 2018

1. RM.Karuppiah Chettiar
2. A.R.Subramanian

... Petitioners

versus

1. The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai – 600 005.
2. The Assistant Settlement Officer (South),
Thiruvananthapuram,
Chennai – 600 041.
3. The District Collector,
Dindigul District,
Dindigul.



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4. The Settlement Tahsildar,
Dindigul District,
Dindigul.

5. The Tahsildar,
Dindigul Taluk,
Dindigul District.

6. The Commissioner,
Dindigul Municipality,
Dindigul.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 2nd respondent in Na.Ka.(A2)No.3762 of 2014 dated 17.04.2017 and quash the same as illegal, incompetent and ultravires and consequently, direct the 5th respondent to grant patta as per the proceedings in Thavaka.No.829 of 2012 dated 15.07.2013 for the property in Dindigul nagaram ward No.6 Block 43 in Town Survey No.1681/4 to an extent of 2880 Sq.M. in Dindigul, Dindigul Taluk and District.

For Petitioners	: Mr.K.Govinda Rajan, for Mr.K.Chockalingam
For R1 to R5	: Mr.R.Suresh Kumar, Additional Government Pleader
For R6	: Mr.J.Lawrance



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W.P.(MD)No.24452 of 2018

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RM.Karuppiah Chettiar

... Petitioner

versus

1. The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai – 600 005.
2. The Assistant Settlement Officer (South),
Thiruvananthapuram,
Chennai – 600 041.
3. The District Collector,
Dindigul District,
Dindigul.
4. The Settlement Tahsildar,
Dindigul District,
Dindigul.
5. The Tahsildar,
Dindigul Taluk,
Dindigul District.
6. The Commissioner,
Dindigul Municipality,
Dindigul.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Certiorari and Mandamus, to call for



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the records pertaining to the proceedings of the 6th respondent in Na.Ka.10291/2013/F2 dated 22.11.2018 and to quash the same as illegal, incompetent and ultravires and to consequently, direct the 5th respondent to grant patta as per the proceedings in Thavaka.No.829 of 2012 dated 15.07.2013 for the property in Dindigul Town Ward No.6 Block 43 in Town Survey No.1681/4 to an extent of 2880 Sq. M. in Dindigul, Dindigul Taluk and District.

For Petitioner : Mr.K.Govinda Rajan,
for Mr.K.Chockalingam
For R1 to R5 : Mr.R.Suresh Kumar,
Additional Government Pleader
For R6 : Mr.J.Lawrance

W.P.(MD)No.1210 of 2019

A.R.Subramanian

... Petitioner

versus

1. The Commissioner of Land Administration,
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Chennai – 600 005.
2. The Assistant Settlement Officer (South),
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Chennai – 600 041.



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3. The District Collector,
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Dindigul.

5. The Tahsildar,
Dindigul Taluk,
Dindigul District.

6. The Commissioner,
Dindigul Municipality,
Dindigul.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 6th respondent in Na.Ka.10291/2013/F2 dated 22.11.2018 and to quash the same as illegal, incompetent and ultravires and to consequently direct the 5th respondent to grant patta as per the proceedings in Thavaka.No.829 of 2012 dated 15.07.2013 for the property in Dindigul Town Ward No.6 Block 43 in Town Survey No.1681/4 to an extent of 2880 Sq.M. in Dindigul, Dindigul Taluk and District.

For Petitioner : Mr.N.Sathish Babu



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For R1 to R5 : Mr.R.Suresh Kumar,
Additional Government Pleader

For R6 : Mr.J.Lawrance

COMMON ORDER

The petitioners claim that they are the owners of the lands in Survey Nos.1681/1, 1681/2, 1681/3 and 1681/4 situated at Ward No.6, Block No.43 in Dindigul. On the applications of the petitioners, the Tahsildar, Dindigul, by proceedings dated 15.07.2013, has passed an order granting patta in favour of the petitioners. The 6th respondent Corporation claims that the subject property in Survey No.1681/4 is a road. As against the order dated 15.07.2013 passed by the Thasildar, Dindigul, the 6th respondent Corporation has filed an appeal before the Assistant Settlement Officer, Chennai. The Assistant Settlement Officer, by proceedings dated 17.04.2017, has set aside the order dated 15.07.2013 and remitted the matter to the Tahsildar, Dindigul, for fresh consideration. Challenging the same, W.P.(MD)No.22607 of 2018 has been filed. Pending these writ petitions, the 6th respondent Corporation



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has passed an order on 22.11.2018 that the land in Survey No.1681/4 belongs to the Corporation and therefore, the petitioners cannot claim any right over the land. As against the order dated 22.11.2018, W.P. (MD)Nos.24452 of 2018 and 1210 of 2019 have been filed.

2. Since the issue involved in these writ petitions are pertaining to the land in Survey No.1681/4, these writ petitions are tagged together and taken up for hearing.

3. The learned counsels appearing for the petitioners submit that the petitioners were issued with patta by the Tahsildar, Dindigul, by proceedings dated 15.07.2013. The same was challenged by way of an appeal before the Assistant Settlement Officer, Chennai. By proceedings dated 17.04.2017, the Assistant Settlement Officer, Chennai, has set aside the order dated 15.07.2013 and remitted the matter to the Tahsildar, Dindigul, for fresh consideration.



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4. The learned Additional Government Pleader submits that the issue is still pending before the Tahsildar (East), Dindigul and enquiry is not yet completed.

5. In view of the said submission, these writ petitions are disposed of with a direction to the Tahsildar (East), Dindigul, to conduct an enquiry by providing an opportunity of hearing to both the parties and pass orders within a period of four months from the date of receipt of a copy of this order. Pending the enquiry, the parties shall maintain status quo as on date. The parties, without expecting any notice, shall appear for the enquiry on 12.03.2024. No costs. Consequently, connected miscellaneous petitions are closed.

29.02.2024

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



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B.PUGALENDHI, J.

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