



W.P.(MD) No.23179 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.23179 of 2018

Ramkumar Raja, S/o.T.N.K.Ettappan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents to carry the petitioner's name in the 'A' Register in Survey No.365/3 to the extent of 0.67 cents situated at Ettaiyapuram Taluk, Tuticorin District, on the basis of the petitioner's representation dated 29.08.2018, within a stipulated time frame to be fixed by this Court.

For Petitioner : No Appearance

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

There is no representation on behalf of the petitioner.



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2. This Writ Petition was filed by the petitioner on 31.10.2018 suppressing the material fact that the representation of the petitioner dated 29.08.2018 was rejected by the Revenue Divisional Officer, Kovilpatti, vide her proceedings dated 10.10.2018 bearing reference in Letter No.MR/1799/2018.

3. The first respondent has filed a counter affidavit wherein it has been stated as follows:-

"2. I humbly submit that the present writ petition preferred by the petitioner seeking Writ of Mandamus praying to direct the respondents to carry out the name of the petitioner in the "A" Register of Ettayapuram Village, Ettayapuram Taluk, Thoothukudi District in S.No.365/3 measuring 67 cents. The 67 cents of land in Survey Number 365/3 of Ettayapuram Village is a adjacent field to Survey Number 365/2 and 365/6. The playground of Raja Higher Secondary School is situated in Survey Number 365/2 and Raja Higher Secondary School is situated in Survey Number 365/6. The Petitioner Ramkumar Raja is the Secretary of the School and Nirvagasthar of the School and other lands belongs to that school. The 67 cents of land in S.No.365/3 of Ettayapuram Village was previously owned by the then Ettayapuram Jamindar, Raja Jagaveera Rama Muthu Kumara Muthu Vengateswara Ettappa Nayakkar and that land was declared as Surplus Land under Section 18(1) of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961 by Government Order No.II(1)/REV/116(d)/95 published in the Tamil Nadu Government Gazette



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Extraordinary bearing Number 507 to part II Section 1, dated: 19.10.1995 and from the date of declaration to till date, it is maintained as Surplus Land which is actually belongs to the Government. So the petitioner wantonly tried to capture the possession of above land in Survey No.365/3 which is originally belongs to Government and seeks to carry out his name in the "A" - Register. Further, the above said land of 67 cents in Survey No.365/3 is also proposed for the public purpose of Ettayapuram Bus Stand Extension and the proposal had already been recommended to Commissioner of Land Reforms, Chennai, by the District Revenue Officer, Thoothukudi, vide letter M1/28460/2015, dated: 21.11.2016 under Rule 13 of Tamil Nadu Land Reforms (Disposal of Surplus Lands) Rules 1965. Since the land belongs to Government, the contentions of the writ petitioner is not correct and untenable.

3. I humbly submit that the representation dated: 29.08.2018 of the Ramkumar Raja with a claim to carry out his name in Survey No.365/3 of 67 cents of Ettayapuram Village has been considered by Revenue Divisional Officer, Kovilpatti and the claim was rejected vide her Letter No.MR/7719/2018 dated: 10.10.2018 properly. Hence the contention of the writ petitioner that his representation was not considered is not correct and untenable.

4. I humbly submit that the land in Survey No. 365/3 of 67 cents was declared as Surplus Land under section 18(1) of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961, by Government Order No.II(1)/REV/116(d)/95 published in the TamilNadu Government Gazette Extraordinary bearing Number 507 to part II Section 1, dated: 19.10.1995 and from that date of declaration to till date, it is maintained as Surplus Land which is actually belongs to the Government.



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Hence, the claim of the petitioner to carry out his name in "A" Register is not sustainable under law. Therefore, it is prayed that this Honorable Court may be pleased to dismiss the writ petition and thus render justice."

4. As such, there is no scope for allowing this Writ Petition. This Writ Petition therefore stands dismissed. No costs.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

02.08.2024

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The District Revenue Officer,
Thoothukudi District,
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C.SARAVANAN, J.

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