



W.P.(MD) No.4062 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.4062 of 2016

and

W.M.P(MD)No.3643 of 2016

ERO COT SPINNERS

A partnership Firm

Rep by its Partner,

S.Ramamurthy

S/o.Sankarappa Naicker

Vannan Kattu Valasu,

Kathirampatti-638 107

Erode District.

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Collectorate,
Tirunelveli-627 009.

2.The Tahsildar,
Radhapuram Taluk,
Radhapuram-627 111.
Tirunelveli District.



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3. Tamil Nadu Boothan Board/
The Commissionerate of Land Reforms,
Ezhilagam,
Chepauk,
Chennai-600 005.

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 to change all the revenue records pertaining to the lands bearing Survey Nos.1355/2B and 1355/1C totally to an extent of 2 acres situated in Veppilankulam Village, Radhapuram Taluk in Tirunelveli District in the name of the petitioner and to issue a computerized or other patta in an existing format in the name of the petitioner within a time frame as may be fixed by this Court.

For Petitioner	:Mr.S.Subbiah
For R1 to R3	:Mr.B.Saravanan
	Additional Government Pleader

ORDER

This writ petition is filed for a writ of Mandamus to direct the respondents 1 and 2 to change all the revenue records pertaining to the lands bearing Survey Nos.1355/2B and 1355/1C totally measuring an extent of 2 acres, situated in Veppilankulam Village, Radhapuram Taluk in Tirunelveli District, in the name of the petitioner and to issue a



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computerized or other patta in an existing format in the name of the petitioner.

2.The case of the petitioner is that the larger extent of the lands including the lands in question comprised in Survey Nos.1355/2B and 1355/1C, totally measuring an extent of 2 acres belonged to one Rangasamy Reddiar. The said Rangasamy Reddiar, who constituted undivided Hindu Joint family, had entered into a registered partition deed, dated 10.07.1953 with his three sons viz., Narayana Reddiar, Balakrishna Reddiar and Ramakrishna Reddiar. The said sons were minors at the time of partition. The subject lands along with other lands were allotted to the share of Narayana Reddiar, who was in possession of the same, represented by his next friend and guardian. Despite the property being allotted to the share of his minor sons, the said Rangasamy Reddiar appears to have executed gift deed in favour of the third respondent on 12.04.1957. On coming to know about the same, the said Narayana Reddiar had filed a suit in O.S.No.1072 of 1980 before the Principal Subordinate Court, Tirunelveli, for declaration and permanent



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injunction. The said suit, on account of enhancement of pecuniary jurisdiction, was transferred to the file of the District Munsif Court, Tirunelveli and renumbered as O.S.No.308 of 1982. The defendant in the suit were State represented by the District Collector and the Chairman of the then Madras State Boothan Board, Madurai. After hearing the parties, the learned District Munsif, Tirunelveli, decreed the suit as prayed for and no appeal has been filed against the judgment and decree and the same became final. Therefore, the title of Narayana Reddiar has been declared and thereafter, he passed away, leaving his wife Subbulakshmi Ammal as his only legal heir. She had sold the lands to one NEPC India Ltd., under a registered sale deed, dated 18.10.2004.

3.Despite the suit being decreed, the respondents 1 and 2 failed to update the revenue records and the property continued to be shown as Government Boomi Dhan. The said NEPC Ltd., on the surmise that the said Subbulakshmi Ammal had sold the property without having title over the same, had filed a suit in O.S.No.230 of 1998 before the Additional Subordinate Court, Tirunelveli, for recovery of money. After



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contesting the said suit, the same was dismissed holding that the said Subbulakshmi Ammal had a perfect title and interest over the properties. Therefore, the title of Narayana Reddiar and his wife Subbulakshmi Ammal had been reiterated twice by the civil Court. The said NEPC Ltd., sold the lands in question in favour of the petitioner under a registered sale deed, dated 18.10.2004 and the petitioner is in possession of the same. The first respondent sent a letter dated 15.03.2005 to the third respondent regarding the restoration of the revenue records, for which, neither the petitioner nor the NEPC Ltd., sent any reply and the same was still pending. The petitioner sent a legal notice dated 21.01.2015 to the respondents. Though all the respondents received the said notice, the second respondent by his notice dated 09.04.2015 called upon the petitioner to appear for an enquiry on 27.04.2015 with all documents. The petitioner, through his letter dated 13.05.2015 through his counsel, sent copies of all relevant documents to the second respondent. However, no steps have been taken. Hence, the petitioner is before this Court.



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4.Considering the fact that the respondents had filed a counter statement without even having the possession of the documents mentioned therein, clearly shows that absolutely non-application of mind on the part of the respondents for disposing of the said application. However, considering the fact that the title of Narayana Reddiar and his wife had been declared twice by the civil Court and as the respondents have not deemed it fit to challenge the decree obtained by the said Narayana Reddiar in O.S.No.308 of 1982, a mandamus is issued to the respondents to mutate the revenue records pertaining to the lands in Survey Nos.1355/2B and 1355/1C, after verifying the original documents produced by the petitioner as called for by the respondents and the respondents is satisfied about the documents produced by the petitioner then the respondents shall issue patta to the petitioner positively on or before 04.10.2024.

5.With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.



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6. For reporting compliance, post the matter on 22.10.2024. If the order is not complied with, the District Collector, Tirunelveli, shall appear before this Court on 30.10.2024 without fail.

09.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

To

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Collectorate,
Tirunelveli-627 009.
2. The Tahsildar,
Radhapuram Taluk,
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3. Tamil Nadu Boothan Board/
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P.T.ASHA, J.
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