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W.P.(MD)NO.28206 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28206 of 2022 AND

W.M.P.(MD)No.22277 of 2022

1. G.Balakrishnan
2. G.Devaraj
3. G.Subburam
4. G.Thilagam

... Petitioners

Vs.

1. The Commissioner of Land Administration,
O/o.the Commissioner of Land Administration,
Chepauk, Chennai – 5.
2. The District Collector,
Madurai District,
Madurai.
3. The District Revenue Officer,
O/o.District Revenue Office,
Madurai District,
Madurai.
4. The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Melur,
Madurai District.
5. The Tahsildar,
Tahsildar Office,
Melur Taluk,
Madurai District.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to effect necessary amendments in all the revenue records such as patta, chitta, village FMB, "A" Register and Adangal to show the ownership of the petitioner for the properties pertaining to Survey No. 74/1, in extent about 3.87 acres situated at Mukkampatti Village, Melur Taluk, Madurai District within a time frame fixed by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

* * *

ORDER

Heard both sides.

2. It is seen that the petition-mentioned lands stood in the name of Govindarajulu Naidu. He is none other than the father of the petitioners herein. Govindarajulu Naidu passed away in the year 2005. Thereafter, patta was mutated and the name of the petitioners herein came to be reflected in the revenue record. The grievance of the petitioners is that without notice to them, their names were deleted and the land came to be shown as Government land. Hence, the present writ petition came to be filed.



3. The stand of the respondents is that the lands in question are actually Panchami lands and that therefore, the petitioners cannot own the same. Admittedly the Government had issued patta in favour of the petitioners' father and thereafter, the petitioners were issued joint patta. Hence, before deleting their names and describing also as Government land, the petitioners ought to have been put on notice. Failure to do so is a clear violation of principles of natural justice.

4. In this view of the matter, the writ of mandamus as sought for deserves to be issued. I accordingly direct the respondents herein to restore the names of the petitioners in all the relevant records. This shall be done within a period of twelve weeks from the date of receipt of a copy of this order. If according to the respondents, action has to be taken, it is always open to them to adhere to due process of law and do so. With this liberty to the respondents, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

25.07.2024

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



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To:

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Chepauk, Chennai – 5.
2. The District Collector,
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Madurai.
3. The District Revenue Officer,
O/o.District Revenue Office,
Madurai District,
Madurai.
4. The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Melur,
Madurai District.
5. The Tahsildar,
Tahsildar Office,
Melur Taluk,
Madurai District.



WEB COPY



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G.R.SWAMINATHAN,J.

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