



W.P.No. 2145 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2145 of 2025
and WMP.No.2501 of 2025

Dr.Sadayavel Kailasam

.... Petitioner

Vs

- 1.The State of Tamil Nadu
Rep by its Secretary to Government
Revenue Department
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Land Administration
Chepauk, Chennai - 600 005.
- 3.The District Collector
Namakkal District
Namakkal - 637 003.
- 4.The Revenue Divisional Officer
Namakkal Taluk
Namakkal District - 637 001.



W.P.No. 2145 of 2025

5. The Tahsildar
Namakkal
Namakkal Taluk
Namakkal District - 637 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in proceedings having Ref.No.Na.Ka.No.2587/2015/L5, dated 08.11.2024 and quash the same and consequently direct the third respondent to direct the 5th respondent to grant patta in favour of the petitioner for the land measuring an extent of 27 cents in Komarapalayam Village, Paramathi Velur Taluk, Namakkal District in Survey No.350/3C, in compliance with the order dated 23.04.2007 in W.A.No.1361 of 2002.

For Petitioner : Ms.C.Uma
For Respondent : Mr.A.Selvendran
Special Government Pleader

ORDER

The writ petition is filed for the following relief :

"To issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in proceedings having Ref.No.Na.Ka.No.2587/2015/L5, dated



08.11.2024 and quash the same and consequently direct the third respondent to direct the 5th respondent to grant patta in favour of the petitioner for the land measuring an extent of 27 cents in Komarapalayam Village, Paramathi Velur Taluk, Namakkal District in Survey No.350/3C, in compliance of the order dated 23.04.2007 in W.A.No.1361 of 2002."

2. The facts are briefly set out herein below :

- a) The ancestors of the petitioner's family had been in possession and enjoyment of an extent of 27 cents of land in Sy.No.350/3C in Komarapalayam Village, Namakkal Taluk, Salem District, for over 100 years, and owing to the partition among the family, the property came to the hands of petitioner's grandfather, and thereafter to his legal heirs.
- b) In the year 1935, the Revenue Divisional Officer issued a B Memo to the petitioner's father stating that they had encroached 34 cents in Sy.No.350/3C, and that it was a Mandai Poromboke. The petitioner's family had requested the respondents to assign the said land in their favour.



- c) In the meanwhile, the President of Komarapalayam Town Panchayat addressed a letter to the Assistant Secretary to the Government, Revenue Department, requiring the Government not to assign the lands in question to the private persons.
- d) By letter dated 17.03.1992, the Assistant Secretary to Government, Revenue Department, directed the Commissioner of Land Administration, the second respondent, to instruct the District Collector, Namakkal, the third respondent to stop assignment of lands to the petitioner family and to evict them from the said land and make an entry in the Prohibitory Order Book that the said land is a 'Reserved Land'. Pursuant to which, a consequential order dated 15.07.1992 was passed by the second respondent.
- e) Aggrieved by the orders dated 17.03.1992 and 15.07.1992, the petitioner along with another filed W.P.No.6599 of 1993 to quash those proceedings and direct the respondents to



grant patta in the name of the petitioner with respect to the subject property.

- f) By order dated 28.09.2000, the writ petition in W.P.No.6599 of 1993 came to be allowed and the respondents were directed to issue patta to the petitioner within a period of three months.
- g) Challenging the order in W.P.No.6599 of 1993, a writ appeal in W.A.No.1361 of 2002 was filed by the Government. A Division Bench of this Court had allowed the appeal by order dated 23.04.2007, wherein the order in W.P.No.6599 of 1993 was modified to the extent stating that the property may be assigned to the petitioners at a prevailing market rate. As against this order, there was no further appeal and the same has attained finality.
- h) In reference to this order dated 23.04.2007, the then District Collector, Salem vide proceedings dated 15.10.2007 had proceeded to determine the value of the land and its usufructs



at a sum of Rs.1,03,275/- and Rs.3,722/- respectively. By then, the Salem District had been bifurcated into Salem and Namakkal, and the lands in question fell within the District of Namakkal.

- i) The petitioner had remitted the said sum into the Sub Treasury, Paramathi on 31.10.2007.
- j) Thereafter, the third respondent by his letter dated 09.01.2008 had informed the second respondent about the remittance of the amount and made recommendations for assignment of the subject lands.
- k) However, after making necessary recommendations for assignment of land in favour of the petitioner, the third respondent has now backtracked and is delaying the process of grant of patta, by seeking unnecessary additional information from the fourth respondent by his proceedings dated 08.11.2024.

Since the orders of this Court in W.A.No.1361/2002 has not been



complied with, the petitioner is before this Court.

WEB COPY

2. Heard the learned counsel on either side.

3. Admittedly, the order in W.A.No.1361/2002 has not been challenged by the respondents. In compliance with the said order, the authorities have valued the land at the prevailing market value and the amount so fixed by the authorities, have also been remitted by the petitioner. Therefore, the directions passed by the Division Bench had been complied in its letter and spirit. However, the third respondent in its communication dated 09.01.2008 had made recommendations for the assignment of the lands in favour of the petitioner. Therefore, the respondents cannot now turn around and refuse to assign the land, having accepted the order of the Division Bench of this Court in W.A.No.1361 of 2002 and having accepted the payment from the petitioner.



W.P.No. 2145 of 2025

4. The writ petition is accordingly allowed and the respondents 3 to 5 are directed to issue patta on or before 18.02.2025. No costs.

Consequently, connected miscellaneous petition is closed.

5. For reporting compliance, post the matter on 19.02.2025.

29.01.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
ds



W.P.No. 2145 of 2025

To:

WEB COPY

1. The State of Tamil Nadu
Rep by its Secretary to Government
Revenue Department
Fort St. George, Chennai - 600 009.
2. The Commissioner of Land Administration
Chepauk, Chennai - 600 005.
3. The District Collector
Namakkal District
Namakkal - 637 003.
4. The Revenue Divisional Officer
Namakkal Taluk
Namakkal District - 637 001.
5. The Tahsildar
Namakkal
Namakkal Taluk
Namakkal District - 637 001.



WEB COPY



W.P.No. 2145 of 2025

P.T.ASHA, J.,

ds

W.P.No. 2145 of 2025

29.01.2025