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WP.No.1269 of 2025

In the High Court of Judicature at Madras

Reserved on 20.3.2025	Delivered on : 25.3.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.1269 of 2025

M.Soundararajan

...Petitioner

Vs

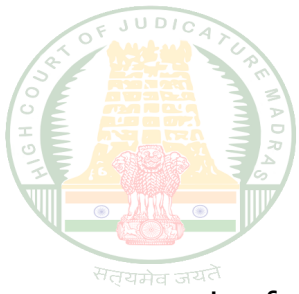
1.The Government of Tamil Nadu,
rep.by its District Collector,
Tiruppur District, Tiruppur.

2.The District Adi Dravidar Welfare
Officer, Tiruppur.

3.The Special Tahsildar, (Adi
Dravidar Welfare), Kangeyam,
Tiruppur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's representation dated 11.10.2022 followed by the reminder letter dated 16.10.2024 to register the release deed



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in favour of the petitioner by releasing the petitioner's property comprised in Survey No.357 of Mudalipalayam Village, Kangayam Taluk measuring to an extent of 9.09 acres within a time frame that may be fixed by this Court.

For Petitioner : Mr.V.Karthik, SC for
Mr.K.S.Jeyaganeshan

For Respondents : Mr.M.Suresh Kumar, AAG
assisted by
Mr.P.Sathish, AGP

ORDER

This writ petition has been filed seeking for the issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 11.10.2022 and to execute a release deed in his favour by releasing the property measuring acres 9.09 cents comprised in S.No.357, Mudalipalayam Village, Kangayam Taluk.

2. Heard the learned Senior Counsel appearing on behalf of the petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents.



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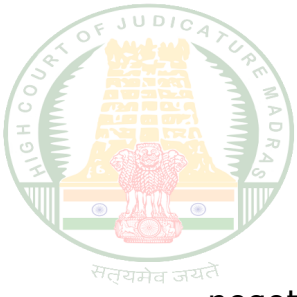
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3. The case of the petitioner is as follows :

(i) The petitioner is the absolute owner of the subject property.

For the purpose of providing free house sites under the Adi Dravidar Welfare Scheme, the respondents entered into a private negotiation with many land owners including the petitioner. Vide proceedings dated 06.8.1996, the third respondent submitted proposals to the District Adi Dravidar Welfare Officer, Erode District for the purchase of lands through private negotiations. In that process, the third respondent recommended the land value at Rs.1 lakh per acre. Based on the proposal given by the third respondent, a Committee was constituted and the Committee decided to purchase the lands by means of private negotiations at the rate of Rs.1.75 lakhs per acre.

(ii) Accordingly, in respect of the subject property, the petitioner executed a sale deed dated 30.10.1996 registered as document No. 2239 of 1996 on the file of the Sub-Registrar, Kangeyam in favour of the first respondent for a total sale consideration of Rs.15,90,750/-. However, only a part payment of Rs.9,74,000/- was paid to the petitioner on 11.2.1997. Later, several complaints were received alleging serious irregularities in fixing the land value through private



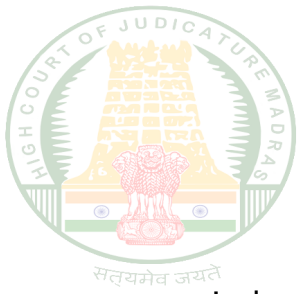
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negotiations. Hence, the District Collector, Erode passed an executive order dated 04.9.1999 stating that the sale deed dated 30.10.1996 was cancelled and that the subject property was returned back to the petitioner.

(iii) Aggrieved by such other decisions taken by the first respondent, the petitioner and others filed W.P.No.17048 of 1999 etc. cases before this Court and ultimately, they were partly allowed by a common order dated 02.8.2000 by a learned Single Judge of this Court quashing the order cancelling the sale deeds. However, the request of land owners for payment of balance sale consideration was rejected. Further, this Court also granted leave to the official respondents to file a civil suit seeking for the cancellation of the sale deeds.

(iv) Pursuant to the said common order of this Court, nearly six suits came to be filed before the concerned Sub-Courts. In so far as the petitioner is concerned, O.S.No.259 of 2000 was filed before the Sub-Court, Dharapuram by the first respondent and the District Adi Dravidar Welfare Officer, Erode for cancellation of the said sale deed dated 30.10.1996 and for a direction to the petitioner to repay back the sum of Rs.9,74,000/- together with interest. However, the said suit came to be dismissed by the Sub-Court, Dharapuram vide

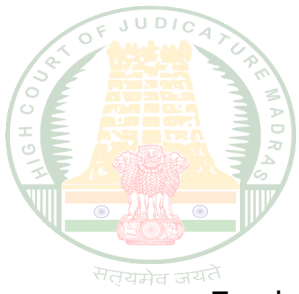


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judgment and decree dated 27.10.2003. Further, all the connected suits were also dismissed by the concerned Sub-Courts.

(v) Aggrieved by the judgments and decrees of the Trial Courts, six appeals were filed before this Court. In so far as the petitioner is concerned, A.S.No.308 of 2005 was filed. In respect of A.S.Nos.1111 and 1243 of 2004 and 309 of 2005, the Government decided to release the properties involved to the respective land owners by way of cancellation of the registered sale deeds. As a consequence, only three appeals in A.S.Nos.887 of 2003, 966 of 2004 and 308 of 2005 were contested.

(vi) In so far as A.S.Nos.966 of 2004 and 308 of 2005 were concerned, a Division Bench of this Court heard the submissions made on the side of the private individuals and recorded that the matters have been settled between the parties as the land owners obtained a release deed from the Government and accordingly, they were dismissed as infructuous by a common judgment and decrees dated 23.12.2011. In so far as A.S.No.887 of 2003 was concerned, it was dismissed on merits by the very same judgment and decree dated 23.12.2011 confirming the judgment and decree dated 19.3.2003 in O.S.No.699 of 2000 on the file of the Second Additional Sub-Court,



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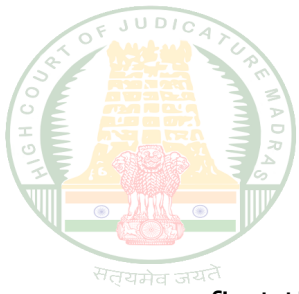
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Erode.

(vii) The specific case of the petitioner before this Court is that the sale deed dated 30.10.1996 executed in favour of the Government was not at all cancelled, that the petitioner continued to be in possession and enjoyment of the subject property, that the revenue records stood in his name, that therefore, the petitioner made the said representation dated 11.10.2022 to the first respondent seeking to cancel the sale deed dated 30.10.1996 by expressing his willingness to return back the amount received from the respondents, that as there was no progress, he sent the reminder dated 16.10.2024, that the same also did not evoke any response and that it is under these circumstances, the above writ petition has come to be filed before this Court.

4. The first respondent filed a counter affidavit wherein he took the following stand :

(i) A part of the land cost to the tune of Rs.9,74,000/- was paid to the petitioner initially besides an amount of Rs.3,14,059/-, which has been kept under court deposit before the concerned Trial Court when interim orders were passed pending A.S.No.308 of 2005. For the



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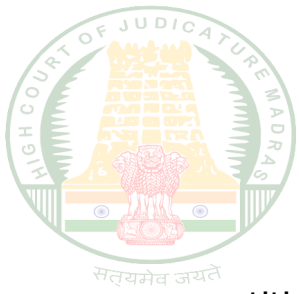
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first time, the petitioner sent the said representation dated 11.10.2022 to the first respondent seeking to cancel the said sale deed dated 30.10.1996.

(ii) Though the petitioner took a stand before this Court in A.S. No.308 of 2005 that the matter had been settled and he was stated to have obtained the release deed from the Government, no such document was executed in favour of the petitioner and the sale deed dated 30.10.1996 has not yet been cancelled. Therefore, the unilateral stand taken by the petitioner is not binding on the first respondent.

(iii) The specific stand of the first respondent is that on the strength of the dismissal of O.S.No.259 of 2000 on the file of the Sub-Court, Dharapuram by judgment and decree dated 27.10.2003, the Adi Dravidar Department issued patta to 136 Adi Dravidar community homeless persons. In view of the above, the first respondent sought for dismissal of this writ petition.

5. The main ground that was urged on the side of the petitioner is that out of six cases, the lands were returned back/released in three cases by cancelling the sale deeds and that therefore, the petitioner should also be treated similarly and more particularly, when the



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petitioner is willing to repay back the amount received by him.

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6. When the matter came up for hearing on 18.2.2025, after hearing the learned counsel appearing for the respective parties, this Court passed the following order :

"This court heard the learned Senior Counsel appearing on behalf of the petitioner and the learned Additional Advocate General appearing on behalf of the respondents. This court considered the materials placed by way of typed-set of papers. The total extent that is involved in the instant case is 9.09 acres out of which 2.09 acres has been allotted by way of assignment and 95 cents has been utilized towards road. The balance of 5.45 acres is now kept intact by the Government in order to use the same in future. As it is, the property is remaining idle and if any orders are passed in the writ petition, either of the party will take it on an appeal and the litigation will be kept pending. If the orders passed in the writ petition also results in cancelling the assignments, that will start one more round of litigation from the side of the assignees. Hence, the adversarial litigation may not really yield any result in this case, for the present.

2. When this court expressed its mind, the



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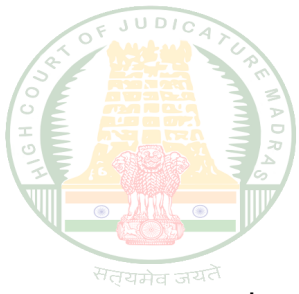


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learned Additional Advocate General appearing on behalf of the respondents submitted that he will talk with the officials and take instructions. The learned counsel for the petitioner shall also take instructions and both sides must come up with some viable solution to ensure that the dispute is amicable settled.

3. Post this writ petition under the caption 'part-heard cases' on 13.03.2025 at 02:15 p.m."

7. Pursuant to the said order dated 18.2.2025, the written instructions dated 19.3.2025 were received from the Special Tahsildar, Adi Draivadar Welfare, Kangeyam Taluk to the effect that the respondents have subdivided a part of the subject property measuring acres 3.64 cents into 136 house sites and issued the house site patta to 136 poor and houseless persons belonging to Adi Dravidar community vide proceedings of the first respondent dated 18.12.2020, that in respect of the remaining acre 5.45 cents of the subject property, though steps were taken to issue free house site patta to the persons belonging to Adi Dravidar community, as the petitioner had raised objections, there has been a delay in proceeding further with the process and that there is no question of releasing the remaining



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extent in favour of the petitioner.

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8. On the contrary, the learned Senior Counsel appearing on behalf of the petitioner submitted that out of 136 house sites, patta has not been issued to nearly 81 persons, that the patta has been received only in so far as 43 persons were concerned, that it covers only plot Nos.3 to 50, that the petitioner does not intend to interfere with these plots, that it would suffice if the remaining plots are released in favour of the petitioner and that the petitioner is willing to repay back the amount received towards part sale consideration. It was further submitted that in respect of the remaining 12 persons, no patta is available and thus, effectively, only 43 persons alone received the patta.

9. In reply, the learned Additional Advocate General appearing on behalf of the respondents submitted that out of acres 9.09 cents, only an extent of acres 5.45 cents remains vacant, that it is going to be utilized in future for some other public purpose and that therefore, the respondents do not intend to release the subject property in favour of the petitioner.



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10. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

11. The petitioner has approached this Court seeking for the issuance of a Writ of Mandamus. To issue a Writ of Mandamus, there must be a judicially enforceable legal right as well as a corresponding duty on the part of the State/Instrumentalities of the State. Without satisfying this threshold requirement, a Writ Court can never issue a Mandamus.

12. In the light of the above, it must be seen as to whether the petitioner has a judicially enforceable legal right. There is no dispute with regard to the fact that the petitioner entered into a private negotiation with the Government and also executed a sale deed dated 30.10.1996 in favour of the Government in respect of the subject property. The total sale consideration was fixed at Rs.15,90,750/- and out of it, a sum of Rs.9,74,000/- alone was paid to the petitioner on 10.2.1997. A further sum of Rs.3,14,059/- was deposited into the concerned Trial Court during the pendency of A.S.No.308 of 2005.

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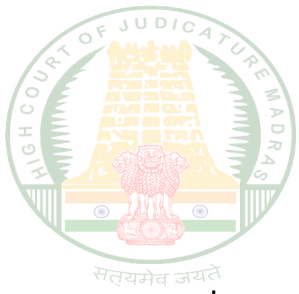


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13. Thus, the balance sum of Rs.3,02,691/- remains due and payable to the petitioner. Initially, when steps were taken to cancel the sale deed dated 30.10.1996 and to take back the amount that was paid, it was resisted by the petitioner tooth and nail and the order dated 04.9.1999 was, in fact, challenged before this Court in W.P.No. 17048 of 1999 etc. cases. The said batch of writ petitions was partly allowed by a learned Single Judge of this Court by a common order dated 02.8.2000 by setting aside the order passed by the District Collector, Erode cancelling the sale deeds. Based on the liberty granted by this Court in the said common order dated 02.8.2000, six suits were filed before the concerned Sub-Courts for cancellation of the sale deeds and for a direction to the land owners to repay back the respective amounts received.

14. In the instant case, O.S.No.259 of 2000 came to be filed against the petitioner. This suit was contested with a lot of vigour and it came to be dismissed on 27.10.2003. Aggrieved by that, A.S.No.308 of 2005 along with five other appeals were instituted before this Court. When these appeals came up for final hearing, a representation was made on the side of the petitioner to the effect that the matter had



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been settled between the parties, that the petitioner had obtained a release deed from the Government and that the sale deed dated 30.10.1996 has been set aside. Recording the said submissions, A.S.No.308 of 2005 was dismissed as having become infructuous vide judgment dated 23.12.2011.

15. It is quite curious as to why such a representation was made before the Division Bench of this Court, when, in fact, the sale deed 30.10.1996 was not cancelled and the subject property was not released in favour of the petitioner. In any case, there is no convincing explanation offered as to why such a representation was made before the Division Bench of this Court. Rather, it is not necessary for this Court to delve into this issue at this length of time. At a later point of time i.e. after 11 years, for the first time, the petitioner made the representation dated 11.10.2022 to the first respondent subsequent to disposal of the first appeals by the Division Bench of this Court.

16. In this writ petition, the petitioner sought for a direction to the first respondent to consider his representation dated 11.10.2022 for cancellation of the sale deed dated 30.10.1996 by undertaking to

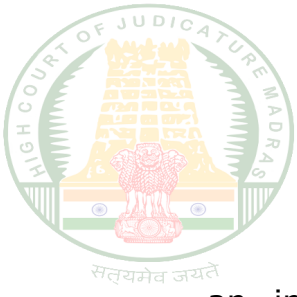


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repay back the amount received by him. There is no explanation as to why the petitioner took more than a decade even to move one step forward to send such a representation to the first respondent in the year 2022. The petitioner found it convenient to retain the amount paid to him and was not willing for the cancellation of the sale deed dated 30.10.1996 executed in favour of the Government. It seems that the lands owned by three of the land owners were released. It is not known as to under what circumstances, the lands were released to those three land owners. In any case, that does not give a cause of action to the petitioner to make a similar claim for the release of the subject property after a long lapse of time in the year 2022.

17. By the time the petitioner made the said representation dated 11.10.2022, the first respondent already issued the proceedings dated 18.12.2020 for subdivision of the subject property into 136 house sites and for disbursing free house site pattas to the poor and houseless people belonging to the Adi Dravidar community. This action of the first respondent virtually took away even an expectation, if not for a right, that there will be a consideration for the release of the subject property. By virtue of the said proceedings dated 18.12.2020,



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an interest has been created in favour of the landless persons belonging to Adi Dravidar community. How far it has been implemented is not the look out of the petitioner, who had already sold the subject property in favour of the Government.

18. In the considered view of this Court, the petitioner has lost his right, title and interest in the subject property the moment he executed the sale deed dated 30.10.1996 in favour of the Government. As per the Full Bench judgment of this Court in the case of ***M/s.Latif Estate Line India Ltd. rep.by its Managing Director Vs. Hadeeja Ammal [reported in 2011 (2) CTC 1]***, once the sale deed is executed, it cannot be nullified by means of a cancellation deed even if both the parties agree to it, that the only way of reversing such a sale is to execute a document by re-conveying the property in favour of the original vendor and that till then, the right, title and interest over the property will continue to vest in favour of the purchaser.

19. In the light of the above, the Government became the owner of the subject property immediately after the sale deed dated 30.10.1996 came to be executed by the petitioner and registered as



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doc.No.2239 of 1996 on the file of the Sub-Registrar, Kangeyam.

Therefore, unless the Government comes forward to release the subject property, the petitioner cannot seek for such a remedy as a matter of right. In other words, the petitioner does not have a legal right much less a judicially enforceable legal right to seek for release of the subject property and there is no corresponding duty cast upon the Government to act upon such a claim made by the petitioner for the release of the subject property. In the light of the above discussions, the relief sought for the petitioner is misconceived and hence, cannot be granted by this Court.

20. Admittedly, the petitioner received only a sum of Rs.9,74,000/-. In so far the sum of Rs.3,14,059/- is concerned, it is informed that this amount was deposited into the Trial Court concerned during the pendency of A.S.No.308 of 2005. This amount has not reached the hands of the petitioner. Therefore, according to the petitioner, out of the total sum of Rs.15,90,750/-, only a sum of Rs.9,74,000/- has been received.



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21. For the foregoing reasons, the writ petition is disposed of and there shall be a direction to the first respondent to pay to the petitioner the balance amount of Rs.6,16,750/- (Rupees six lakhs sixteen thousand seven hundred and fifty only) together with 9% interest per annum from 30.10.1996 till date of payment. This amount shall be paid to the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs.

25.3.2025

To

- 1.The Government of Tamil Nadu,
rep.by its District Collector,
Tiruppur District, Tiruppur.
- 2.The District Adi Dravidar Welfare
Officer, Tiruppur.
- 3.The Special Tahsildar, (Adi
Dravidar Welfare), Kangeyam,
Tiruppur District.

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