



W.P. No.8997 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

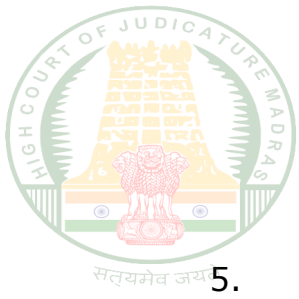
W.P.No.8997 of 2025

K.Soundarajan

Petitioner

vs.

1. The Additional Chief Secretary to the Government
Secretariat
Fort St. George
Chennai 600 009
2. The District Collector
District Collectorate
Tiruppur
Tiruppur District 641 604
3. The Revenue Divisional Officer
Revenue Divisional Office
Udumalpet Taluk
Udumalpet
Tiruppur District 641 601
4. The Tahsildar
Udumalpet Taluk Office
Udumalpet
Tiruppur District 642 126



W.P. No.8997 of 2025

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5. The Village Administrative Officer
Gudimangalam Village
Udumalpet Taluk
Udumalpet
Tiruppur District 642 202

6. Nagarathinam

7. Sivaraj

8. Subbaiyan

9. Easwarasamy

10. Natarajan

11. Palanisamy

12. Gunasekaran

13. Venkatapathi

14. Vimala

15. The District Revenue Officer
Tiruppur District

Respondents

(R15 *suo motu* impleaded today)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 5 to conduct enquiry and recover the land and use the land for welfare of the people based on the petitioner's representation dated 31.01.2025.



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W.P. No.8997 of 2025

For petitioner Mr. S. Arivazhagan
for M. Gangatharan

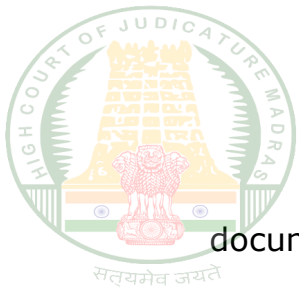
For RR 1 to 5 Mr. T.K. Saravanan
and 15 Additional Government Pleader

ORDER

[made by K. GOVINDARAJAN THILAKAVADI, J.]

This writ petition has been filed seeking a writ of mandamus directing the respondents 1 to 5 to conduct an enquiry and recover the lands in S.No.355 at Gudimangalam Village and use the said lands for the welfare of the people based on the petitioner's representation dated 31.01.2025.

2. It is the case of the writ petitioner that he is one of the legal heirs of the deceased Subba Naicken who gave his lands to an extent of 4 acres in S.No.355 at Gudimangalam Village for the welfare of the people by allowing them to utilise the water from a well managed by the Trustees of *Dharma Thanneer Pandhal Trust*; while so, he came to know that the aforesaid lands were given to the Government through a registered deed dated 27.03.1917 *vide*



W.P. No.8997 of 2025

document no.641/1917; hence, he and other legal heirs of Subba Naicken filed a suit for declaring them as legal heirs in the District Munsif Court, Udumalpet, in O.S.No.379 of 2015; on 30.03.2016, one Vijayalakshmi, one of the legal heirs, by applying under the Right to Information Act, 2005, came to know that the lands in question at Gudimangalam Village stood in the name of Venkatasami Nayakkan, S/o Chinna Ganga Naicken @ Ganga Naicken; however, now, since the lands in the aforesaid survey number are in the names of third parties (seemingly private respondents), one Rangaraj, one of the legal heirs, addressed a representation dated 11.09.2017 to the second respondent to recover the lands from the alleged encroachers *i.e.*, RR 6 to 14; for his part, the petitioner too addressed a representation dated 27.10.2021 to the third respondent enclosing relevant revenue records seeking issuance of patta in the name of *Dharma Thanneer Pandhal Trust*; since no action was taken on the said representation addressed by the writ petitioner, the writ petitioner filed W.P.No.5201 of 2023 (which was heard with a batch of other writ petitions) in which, a Single Bench of this Court, *vide* order dated 09.06.2023, gave a slew of directions on the manner of issuance of grant of patta *qua* inam lands, Government assigned lands or natham poramboke lands;



W.P. No.8997 of 2025

albeit the said order, since no action was forthcoming from the side of the official respondents, the writ petitioner addressed another representation dated 31.01.2025 to the authorities concerned to conduct an enquiry and recover the lands from the possession of the alleged encroachers so that the same can be used for the welfare of the poor masses; aggrieved by the inaction on the part of the official respondents notwithstanding his persistent efforts, the present writ petition has been filed seeking the relief stated in the opening paragraph.

3. Issue notice to official respondents (RR 1 to 5).

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for official respondents and submits that during the UDR settlement, pattas were wrongly issued. However, according to him, *vide* G.O. No.385, Revenue (Public-3) Department dated 17.08.2004, a District Revenue Officer is empowered to cancel pattas issued to wrong persons and to transfer the same in the names of those who are actually entitled to the same.



W.P. No.8997 of 2025

WEB COPY

5. In the light of the above submission made by the learned State counsel, we deem it appropriate to implead *suo motu* the District Revenue Officer, Tiruppur District as R15 and we do so. Further, we direct R15, to pass suitable orders, of course, after affording an opportunity to the writ petitioner as well as private respondents, before passing final orders. It is made clear that all the rights and contentions of the writ petitioner as well as the private respondents stand preserved for the purpose of the same being raised before R15. We hasten to add that we are not expressing any opinion or view with regard to the rights of parties in respect of the lands in question and the same is left open to be decided by R15 after due consideration of representations given by the writ petitioner and private respondents.

6. With the above direction and observations, this writ petition stands disposed of. Costs made easy.

(M.S., J.) (K.G.T., J.)
18.03.2025

cad
Index : Yes/No
NC : Yes/No

Page Nos.6/8



W.P. No.8997 of 2025

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W.P. No.8997 of 2025

M.SUNDAR, J.

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W.P. No.8997 of 2025

18.03.2025

Page Nos.8/8