



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.13033 of 2023

Kamala Ambigai

... Petitioner

Vs.

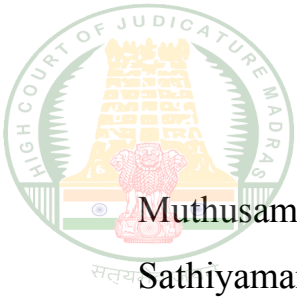
1.The State of Tamil Nadu
Rep. by its Secretary,
Department of Revenue,
Fort St. George,
Chennai 600 009.

2.The District Collector,
Erode District, Erode.

3.The Tahsildar,
Sathiyamangalam Taluk,
Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 10.11.2022 in accordance with law by holding enquiry pursuant to Memo dated 30.11.2022 on the file of Thasildar, Sathiyamangalam the Third respondent herein and permitting the petitioner to Cultivate Tharisu land as per original assignment in favour of the petitioners father



Muthusamy dated 30.11.1984 in Patta No.536, Thoppampalayam Group,
Sathiyamangalam Taluk, Erode District.

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For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.P.Sathish
Additional Government Pleader
for R1 to R3

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 10.11.2022 and to reassign the subject land in favour of the petitioner.

2.Heard Mr.R.Sankarasubbu, learned counsel appearing on behalf of the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing on behalf of the respondents.

3.A detailed counter affidavit has been filed by the 3rd respondent and the main stand that has been taken by the 3rd respondent is extracted hereunder:

10) I respectfully submit that after the above proceedings dated 17.03.2021 of the District Revenue Officer, Erode District, one Tmt.R.



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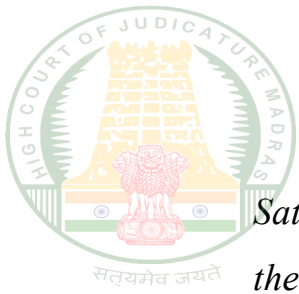
Kamala Ambigai, W/o. P. Ramasamy residing at Manmangalam-Post, Manmangalam Taluk, Karur District has submitted an application dated 10.11.2022 stated that "I am a Sri Lankan Refugee and as per Srimavosastri Pact during 1973-74 my family was departed to Tamil Nadu. Based on the agreement, an extent of 1.14.00 hectares in the land bearing S.F. No.289/3 in Thoppampalayam Village, Sathyamangalam Taluk, Erode District was assigned by the former Chief Minister Kalaigal to my husband ThiruMuthusamy, S/o. Ramasamy. R. Muthusamy is my father. My father has expired. We have built a small house and dug a well with the depth of 10 ft in the above land. Due to failure of monsoon rain, we went to Karur searching job. Though my father has expired I have contacted the Village Administrative Officer for remitting the tax. The Village Administrative Officer has refused to receive the Land Revenue from me. When I asked the Village Administrative Officer for refusing to receive the Land Revenue from me, he has told that the land was acquired by the Jayalalitha's Government for the purpose for the formation of J-Model village. He said that from now onwards the land will not be given to us. I am not able to retrieve our land that after several agitation. Now, our land is in as Government Tharisu. I have submitted the application dated 26.09.2021 to the Hon'ble Chief Minister's Special Cell. The official of the Hon'ble Chief Minister's Special Cell has informed to contact the Tahsildar, Sathyamangalam. When I contacted the Tahsildar in person, the Tahsildar has informed me that my application was sent to the Village Administrative Officer,



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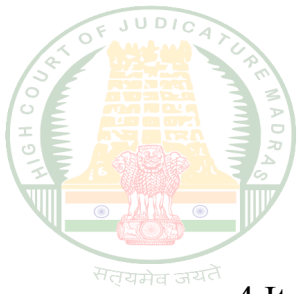
Thoppampalayam and also instructed me to contact the Village Administrative officer in this regard. When I asked the Village Administrative Officer, Thoppampalayam in person, he has said that he has not received any information from the Tahsildar, Sathyamangalam and has said that he will retire from the service in few days. Hence, I am not able to do anything. Afterwards I have contacted the Village Administrative Officer newly joined in person and handed over the copy of the application sent to the Hon'ble Chief Minister's Special Cell and informed him about the information given by the Tahsildar, Sathyamangalam. He has received the same and informed me to contact the Tahsildar, Sathyamangalam. I don't know what to do and have been wandering here and there. Again I have contacted the office of the Hon'ble Chief Minister's Special Cell, they have informed me to submit the application to the District Collector, Erode. I have sent the application to the District Collector, Erode and the Revenue Divisional Officer, Gobichettipalayam. Hence, I humbly request to retrieve our land (Government Dry land) granted as per the pact of United Nation and assign the land to us". The petitioner was forwarded to the Revenue Inspector, Bhavanisagar in O.Mu. 9561 / 2022 / Al dated 30.11.2022 instructed him to enquire and send the detailed report. The enquiry process is pending.

11) I respectfully submit that on perusal of the application and relevant records, an extent of 0.14.0 Hectares of Government poramboke land bearing R.S. No.289/3 of Thoppampalayam Village,



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Sathyamangalam Taluk, Erode District was conditionally assigned by the Special Tahsildar (Assignment), Sathyamangalam to one ThiruMuthusamy, S/o. Ramasamy resident of Thattampalayam Estate, The Nilgiris District vide DR No.281/83 dated 10.08.1973 with general condition vide 'D' Form. Within 2 years i.e. on 14.04.1975, the above Muthusamy, S/o. Ramasamy has simply sold the above assigned land to one ThiruMoorthy, S/o. Madiyagowder for an amount of Rs. 1900/- After that, the above assignee has handed over the possession of the land to the purchaser. It caused the violation of conditions as framed in the 'D' Form by way of sold the assigned land before the expiry of the crucial date andalso Non-cultivation of land by the assignee. Later, the Tahsildar, Sathyamangalam has submitted the report dated 21.05.1979 and in the O.Mu. 18640/85 dated 09.01.1986 that there were the violation of conditions on the above land conditionally assigned to the above ThiruMuthusamy, S/o. Ramasamy. Based on the report of the Tahsildar, Sathyamangalam, the Revenue Divisional Officer, Gobichettipalayam has ordered in the proceedings Na. Ka.6587/83 A8 dated 17.04.1986 for the resumption of the above land to the Government. After the resumption of the above land to the Government through the order dated 17.04.1986 of the Revenue Divisional Officer, Gobichettipalayam, the petitioner has submitted her representation dated 10.11.2022 after passing 35 years and subsequently filed the present writ petition in W.P. No.13033 of 2023 without fruitful grounds. Since the petitioner deserves not any right over the dispute land, the writ petition is liable for dismissal.



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4. It is quiet apparent from the counter that the representation made by the petitioner has already been acted upon and the decision is yet to be conveyed to the petitioner. Hence, the 2nd respondent is directed to take a decision on the representation made by the petitioner seeking for the reassignment of the land after holding an enquiry, within a period of eight weeks from the date of receipt of copy of this order.

5. This writ petition is disposed of with the above directions. No Costs.

20.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. The Secretary,
State of Tamil Nadu
Department of Revenue,
Fort St. George,
Chennai 600 009.



2.The District Collector,
Erode District, Erode.

3.The Tahsildar,
Sathiyamangalam Taluk,
Erode District.



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N. ANAND VENKATESH, J.

SSR

W.P.No.13033 of 2023

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