



W.P(MD)No.840 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.01.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.840 of 2023

and

W.M.P(MD)No.819 of 2023

M.Vajuravel

... Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Dindigul East Taluk,
Dindigul.

3.The Special Tahsildar,
Forest Settlement,
Dindigul District.

4.P.Arumugam

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 07.12.2022 in Na.Ka.No. 6979/2022/A5 passed by the second respondent and quash the same as illegal and consequently direct the second respondent to rectify the



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mistakes pertaining to remove receipt (B Memo) in respect of S.F.No. 724/2 situated at Sirumalai Village, Dindigul East Taluk, Dindigul District.

For Petitioner : Mr.A.Arul Jenifer
For RR 1 to 3 : Mr.D.Gandhi Raj
Special Government Pleader
For R4 : Mr.N.Natarajan

ORDER

This writ petition has been filed challenging the order passed by the second respondent, dated 07.12.2022 thereby rejected the request made by the petitioner to rectify the mistakes pertaining to B Memo in respect of S.F.No.724/2 situated at Sirumalai Village, Dindigul East Taluk, Dindigul District.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner owned patta land adjacent to the land comprised in S.F.No.724/2 situated at Sirumalai Village, Dindigul District. The petitioner claimed that he is in possession and enjoyment of



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the said land for the past 35 years. His possession and enjoyment also confirmed by the Forest Settlement Officer by its communication dated 02.05.2022 stated that the petitioner is in possession and enjoyment of the subject land and cultivating the said land by various crops, such as, beans, Chow Chow and other grains. It was also confirmed by the third respondent by its inspection by the communication dated 28.12.2022 even then, the second respondent issued the B memo in favour of the fourth respondent in respect of the subject property. Therefore, the petitioner made an application to cancel the B memo issued in favour of the fourth respondent in respect of the subject property and to issue the B memo in the name of the petitioner.

4. Mr.D.Gandhi Raj, learned Special Government Pleader appearing for the respondents 1 to 3 on instructions would submit that the land comprised in S.No.724/2 is classified as Tharisu land. The land comprised in S.No.724/2 total extent of 0.40.50 ares is in possession and enjoyment of Arumugam, Rani and Saravanavalli accordingly, B memo was issued in their favour. Rani and Saravanavalli are none other than the petitioner's own sisters. Admittedly, the land belonged to the Revenue Department as per the revenue records and as such the Forest



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Settlement Officer has know the sale in respect of issuance of B memo.

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5. On perusal of the communication of the Forest Settlement Officer dated 02.05.2022 revealed that the petitioner encroached the subject land and cultivating the same and as such, the subject land is exempted from their control, however, the subject land belonged to the Revenue Department and as such, the second respondent on verification issued the B memo in favour of the fourth respondent and the sisters of the petitioner herein in respect of the land comprised in S.F.No.724/2. Now the petitioner claiming that he is in possession of the subject property and the B memo should be issued in his name.

6. In view of the above, the first respondent is directed to take appropriate action as against the encroachers namely the petitioner and the fourth respondent and recover the possession of the subject property from them in accordance with law and this Court finds no infirmity or illegality in the order passed by the second respondent and it is devoid of merits and is liable to be dismissed.



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7. Accordingly, the writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

21.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
am

To

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Dindigul.

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G.K.ILANTHIRAIYAN, J.

am

Order made in
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