



W.P.(MD)No.3244 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.3244 of 2025

R.Murugan

.... Petitioner

/Vs./

1. The Commissionerate of Land Reforms,
Chennai

2. The District Revenue Officer
Tirunelveli District, Tirunelveli

3. The Revenue Divisional Officer
Revenue Divisional Office, Tirunelveli

4. The Tahsildar
Tahsildar Office, Palayamkottai,
Tirunelveli District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 3rd respondent herein in his proceedings in Na.Ka.No.a1/ 5214/2024 dated 18.09.2024 and consequential impugned order in Na.Ka.No. a1/5214/2024 dated 25.11.2024 and quash the same as illegal and further directing the second respondent herein to



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issue separate patta to the petitioner with respect to the land in S.No.328 to an extent of 2.67.00 Hectares and S.No. 329 to an extent of 1.78.00 Hectares in Ariyakulam Village, Palayamkottai Taluk, Tirunelveli District.

For Petitioner : Mr.V.Meenakshi Sundaram
For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioner challenges the order of the third respondent in Na.Ka.No.a1/5214/2024, dated 18.09.2024 and consequential order dated 25.11.2024 in Na.Ka.No.a1/5214/2024.

2. The petitioner is a purchaser of the property from the original land owner, whose lands were sought to be taken over under the Land Reforms Act on the ground that the said land was held as surplus. The said proceedings were challenged by the land owners. The matter went up to the Hon'ble Supreme Court. Before the Hon'ble Supreme Court, a compromise were recorded between the land owners and the Government of Tamil Nadu. In and by the said compromise, an exchange proposal of the lands which were sought to be taken over as surplus lands were



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returned to the original land owners and the land owners offered alternative lands to the Government. The Government in the interregnum had assigned lands to various persons, pending proceedings up to the Hon'ble Supreme Court. The petitioner herein purchased a portion of the land from the original land owners. In the meantime, writ petitions were filed by both the land owners as well as the assignees and batch of writ petitions came before this Court in W.P.(MD)Nos.387 of 2007 etc., batch and in and by common order dated 15.09.2023 this Court has set aside the sale deeds executed by the various assignees and insofar as the purchasers from the land owners were concerned, this Court directed an enquiry to be conducted and thereafter, a decision was to be taken with regard to issuance of patta. The order impugned in this writ petition has been passed pursuant to the common order dated 15.09.2023 in W.P.(MD)Nos.387 of 2007 etc., batch.

3. It is seen from the impugned order that the third respondent has rejected the application of the petitioner on the ground that he would have to seek clarification from the Commissioner of Land Reforms, namely, the first respondent since one of the alienees from the assignees



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had preferred a writ appeal challenging the common order dated 15.09.2023 and the same is pending. No doubt the outcome of the writ appeal may have a bearing on the entitlement of the petitioner herein. However, it is brought to my notice by Mr.V.Meenakshi Sundaram, learned counsel for the petitioner that the petitioner has already been issued patta No.719 based on the registered sale deed in his favour. Admittedly, the Government has accepted the exchange of proposal offered by the land owners and released the lands from ceiling and only thereafter, the petitioner has purchased subject property from the original land owner. Therefore, there is no necessity at this stage to withhold the patta issued to the petitioner or cancel the said patta. It may have to be suitably modified only in the event of the assignees ultimately succeeding in the writ appeal proceedings by successfully challenging the order in W.P(MD)Nos.387 of 2007 etc., batch. In the meantime, the petitioner cannot be deprived of lawful enjoyment of the property which has been purchased by him for lawful consideration, that too, flowing from the order of the Hon'ble Supreme Court, accepting the release of lands in favour of the land owner.



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4. In the light of the above, the impugned order is set aside, making it clear that in the event of the alienees/assignees succeeding in their challenge in the pending writ appeal against common order in W.P.(MD)No.387 of 2007, necessary modification of the said patta shall be carried out, in accordance with law.

5. In view of the above, the writ petition is allowed. No costs.

Index : Yes / No

NCC : Yes / No

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To

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P.B. BALAJI, J.

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Order made in
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Dated:
26.03.2025