

W.P.(MD)No.3096 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.3096 of 2024

and

W.M.P.(MD)Nos.3067 & 3068 of 2024

M.Sellathambi

: Petitioner

Vs.

- 1.The Principal Secretary,
Commissioner for Land Administration,
Chepauk,
Chennai – 600 005.
- 2.The Additional District Collector (Revenue),
Thanjavur District,
Thanjavur.
- 3.The District Revenue Officer,
Thanjavur District,
Thanjavur.
- 4.The Tahsildar,
Thanjavur Taluk,
Thanjavur,
Thanjavur District.



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5.The Sub Registrar,
Registration Department,
Vallam,
Thanjavur District.

6.The Managing Director,
TIDCO, Guindy Industrial Estate,
Guindy,
Chennai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.280462023-U(2) dated 03.03.2023 and quash the same and consequently direct the respondents to hand over the land to the extent of 5100 sq.ft situated in S.No.199/2B, Pillaiyarpatti Village (Kailasa Nagar), Thanjavur to the petitioner.

For Petitioner : Mr.C.Prakasam
for M/s.Subash Law Office
For Respondents 1 to 5 : Mrs.K.Malathi
Additional Government Pleader

ORDER

The petitioner challenged the impugned order of the second respondent in Na.Ka.280462023-U(2) dated 03.03.2023 and to



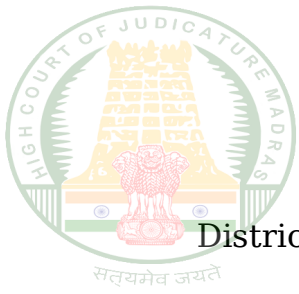
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consequently direct the respondents to hand over the land measuring 5100 sq.ft situated in S.No.199/2B, Pillaiyarpatti Village (Kailasa Nagar), Thanjavur.

2.I have heard the learned Counsel for the petitioner and Mrs.K.Malathi, learned Additional Government Pleader appearing for the respondents 1 to 5.

3.The case of the petitioner is that the petitioner has purchased the property in the year 1982 from one G.Thambidurai, who had formed a layout and also got the layout approved. The application for patta was not processed stating that the land is classified as “Punja Tharisu” land. The petitioner joining hands with other interested parties approached this Court in W.P.No.20141 of 2022, seeking issuance of Mandamus to pass orders on the petitioner's representation dated 20.05.2022, for issuance of patta. This court by an order dated 08.08.2022, directed the District Collector to pass orders on the representation of the petitioner after considering whether the classification from Punja Tharisu can be converted as Punja lands to enable issuance of patta. In pursuance thereof, the impugned order has been passed.

4.I have gone through the impugned order passed by the



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District Collector. The District Collector has rightly found that the petitioner claims right under one Thambidurai and the said Thambidurai has suffered an order upto Hon'ble Supreme court and therefore, the petitioner cannot claim any better rights than what his vendor had.

5.However, learned Counsel for the petitioner would submit that this Court has recognized the fact that the physical possession has already been with the petitioner for past several decades. Therefore, unless they resort to regular land acquisition proceedings, the petitioner's possession cannot be disturbed.

6.Per contra, learned Additional Government Pleader would submit that the lands have been allotted to "Neo Tidal Park' and therefore, the petitioner cannot claim to be in possession.

7.However, I find that there is no interim order granted by this Court, probably, on the basis of the averments set out in the affidavit of the writ petition seeking a direction to the respondents to hand over as well as seeking to restrain the respondents from constructing any building in S.No.199/2B.



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8.Learned Counsel for the petitioner would also place reliance on a judgment of the Hon'ble Supreme Court in ***Pradhan Babu and others Vs. Nachimuthu Nagar Kudiyruppor Nala Sangam and others in Civil Appeal No.5875 of 2023 dated 28.08.2024***, where the Hon'ble Supreme Court held that when no steps have been taken by the planning authority to acquire the lands as per the Act and when the layout was also revised as a mixed residential area, it cannot be said that the original owner lost right, title, interest and usage over the said property and the Hon'ble Supreme Court pressing into service the deeming provision under Section 38(b) of the Act held that, the Acquisition proceedings has to be held to have lapsed. However, in the present case, admittedly, there are no acquisition proceedings but the factum of physical possession being with the petitioner is disputed by the respondents. Therefore, it is made clear that if physical possession has already not been taken from the petitioner in a manner known to law, then the possession of the petitioner shall be protected until such time the respondents take recourse to due process of law for taking over physical possession from the petitioner.

9.However, insofar as the impugned order is concerned, I do not find any illegality or error warranting interference as the



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finding of the District Collector are based on available materials and that has been on proper appreciation of the contentions advanced by the petitioner as well as the official respondents.

10.In fine, the Writ Petition is dismissed, with the above direction regarding physical possession. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

07.03.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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