



W.P.(MD)No.7169 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM:

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

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Dhanalakshmi

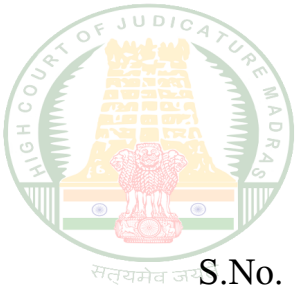
... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Sivagangai District, Sivagangai.
2. The Revenue Divisional Officer,
Sivagangai Circle,
Sivagangai.
3. The Tahsildar,
Tiruppuvanam Taluk Office,
Tiruppuvanam,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to calling for the records pertaining to the impugned proceedings issued by the 3rd respondent in Se.Mu.No.A4/1686/23 dated 25.07.2023 and quash the same as illegal and unconstitutional and consequently directing the respondents to grant patta in favour of the petitioners name in respect of



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S.No. 82/1A situated at Melavellur village, Thiruppuvanam Taluk,
Sivagangai District.

For Petitioner : Mr.P.Mahendran
For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The writ petitioner challenges the rejection of the application for patta in and by an impugned order passed by the 3rd respondent dated 25.07.2023.

2. The specific case of the petitioner is that the petitioner's husband namely R.Sundararajan has purchased the lands comprised in S.No. 82/3A2 to an extent (0.03.0 Ares) and S.No.82/1A to an extent of (0.71.5 Ares) at Melavellur Village, Tiruppuvanam Taluk from one Ponnu Thai, wife of Lurdu Pandyaraj.



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3. The admitted case of the petitioner as well as the respondents is that the said Ponnu Thai had been issued patta no.528. However, despite the purchase made by the husband of the petitioner, namely R.Sundararajan, in and by a sale deed dated 08.04.1988, no mutation was carried out in the name of R.Sundararajan. Subsequently, R.Sundararajan died on 28.12.2012 leaving behind the petitioner as his only surviving legal heirs.

4. The petitioner has sought for issuance of patta in her name based on the Sale Deed in favour of R.Sundararajan. In so far as, S.No.82/3A2 patta has already issued to the petitioner. However, in respect of S.No. 82/1A, the impugned order has been passed citing land acquisition proceedings having attained finality in Award No.12 dated 23.06.1992. The said order of the respondent is challenged in the present writ petition.

5. Mr.Kannan, the Special Revenue Inspector attached to the Special Tahsildar, Adi Dravidar and Tribal Welfare Office, Sivagangai is also present and produced the original files for my perusal as well.



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6. In fact this Court by an earlier order dated 26.07.2024, directed the original files to be produced to establish notice having been served on the vendor of the petitioner's husband namely Ponnu Thai.

7. I have carefully considered the submissions made on either side and have also gone through the original files.

8. It is clear from the files that the petitioner's husband has objected to the acquisition proceedings as well as the compensation awarded. However, this exercise has admittedly been carried out after the award was passed.

9. It is the specific case of the petitioner that the petitioner continues to be in physical possession of the subject lands and in furtherance of the acquisition, possession has not been taken from the petitioner or during the lifetime of the petitioner's husband. However, the said statement of the learned counsel for the petitioner is denied by the counsel for the respondents based on the instructions from the officer present in Court



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today stating that the physical possession has been taken pursuant to the award passed in the year 1992 and the officials are in the process of issuing patta to the beneficiaries. However, as rightly pointed out by the learned counsel appearing for the petitioner, in the communication of the Tahsildar to the Revenue Divisional Officer in Na.Ka.No.A3/3040/2013 dated 25.06.2013, it is clear that after getting a report from the Village Administrative Officer concerned, the Tahsildar has recommended for issuance of patta to the petitioner. The said report was also forwarded to the Revenue Divisional Officer, Sivagangai and based on the report, the Revenue Divisional Officer, Sivagangai has also directed the Tahsildar to conduct survey and file a detailed report. At no point of time, the authorities have made a whisper to the acquisition proceedings and rejected the petitioner's application for mutation of patta citing the acquisition proceedings have been concluded already. For the first time in the counter affidavit filed in this writ petition alone reiterating the impugned order, the authorities have elaborated the land acquisition proceedings and that due process of law was followed to the hilt and therefore, rightly the impugned order came to be passed rejecting the petitioner's application for patta. However, I am unable to find that notice



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has been served on the petitioner's husband vendor Ponnu Thai. Though it is stated in the proceedings which are found in the original file that notice was served on Ponnu Thai and the said Ponnu Thai did not appeared, copy of such notice is not available. This further fortifies the stand of the petitioner that no notice was served on the petitioner's vendor.

10. However, the fact that the petitioner's husband appeared and objected to the acquisition proceedings post award cannot be denied by the petitioner. The same is reflected in the official records and his statement seeking the proceedings to be dropped and also complaining of the compensation offered being very low also finds place in original files.

11. Considering the factum of physical possession, if the provisions had been duly complied with, then the authorities cannot be found fault with, for having passed the award and also subsequently deposited the compensation amount in the treasury.

12. Therefore, considering the above it would be just and proper to direct the authorities to conduct physical inspection and find out whether



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the petitioner is in physical possession of the subject property comprised in S.No.82/1A to an extent of (0.71.5 Ares). If the petitioner is found to be in possession of S.No.82/1A to an extent of (0.71.5 Ares), then the request of the petitioner for mutation of patta in her name based on the earlier registered sale deed and also patta in the name of the vendor Ponnu Thai has to be necessarily entertained and the authorities shall have to issue patta to the petitioner. However, if the respondents find that physical possession has already been taken from the writ petitioner in pursuance of the land acquisition proceedings, then the request for patta made by the petitioner shall be rejected. Therefore, the impugned order is set aside, with a direction to the 3rd respondent Tahsildar to whom a copy of this order shall be marked by the registry, shall fix a date for inspection to be carried out in respect of S.No.82/1A to ascertain factum of physical possession being with the petitioner or whether it has been taken over pursuant to the land acquisition proceedings. If the petitioner is found to be in physical possession then the petitioner's application for patta will have to be necessarily entertained. However, in the event of the petitioner found to be not in physical possession and lands have already been taken over the acquisition proceedings, then the petitioner will have to either



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seek for payment out of the compensation amount awarded and deposited before the sub treasury and / or make claim for enhancement as she may advised, in accordance with law.

13. The writ petition is disposed of with the above observations and directions. No cost.

14.03.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.B.BALAJI, J.

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