



W.P(MD)Nos.7215 & 7216 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)Nos.7215 & 7216 of 2022

and

W.M.P(MD)Nos.5456 & 5459 of 2022 & 2060 & 2063 of 2024

1.W.P(MD)No.7215 of 2022:

G.Ravichandran

... Petitioner

Vs

1.The District Collector,
New Collector Office,
Nagai – Coimbatore National Highway,
AVP Azhagammal Nagar,
Thanjavur – 613 010.

2.The District Revenue Officer,
New Collector Office,
Nagai – Coimbatore National Highway,
AVP Azhagammal Nagar,
Thanjavur – 613 010.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Dr. Murthy Road,
Kumbakonam -612 001.

4.The Tahsildar,
Taluk Office,
Mayiladuthurai Main Road,
Thiruvidaimarudur Post.

... Respondents



W.P(MD)Nos.7215 & 7216 of 2022

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the respondents from in any manner interfering with the petitioner's enjoyment of the property in R.S.No.27/2 (New R.S.No.27/24) of 80 cents and in R.S.No.27/2A (New R.S.No.27/24) of 36 cents as described with measurements and four boundaries in the legal notice dated 23.02.2022 and in amended legal notice dated 12.03.2022 situate in Kannarakkudi Village and Vattam in Thiruvidadimarudur Taluk [previously Kumbakonam Taluk] except according to due process under the relevant Land Acquisition Act.

***[Prayer amended vide order dated 03.02.2025
in W.M.P(MD)No.6009 of 2022]***

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

2.W.P(MD)No.7216 of 2022:

P.Sridhar

... Petitioner

Vs

1.The District Collector,
New Collector Office,
Nagai – Coimbatore National Highway,
AVP Azhagammal Nagar,
Thanjavur – 613 010.

2.The District Revenue Officer,
New Collector Office,
Nagai – Coimbatore National Highway,
AVP Azhagammal Nagar,
Thanjavur – 613 010.



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3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Dr. Murthy Road,
Kumbakonam -612 001.

4.The Tahsildar,
Taluk Office,
Mayiladuthurai Main Road,
Thiruvidadaimarudur Post.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the respondents from in any manner interfering with the petitioner's enjoyment of the property in R.S.No.27/2A (New R.S.No.27/24) of 10 cents as described with measurements and four boundaries in the legal notice dated 23.02.2022 and in amended legal notice dated 12.03.2022 situate in Kannarakkudi Village and Vattam in Thiruvidadaimarudur Taluk [previously Kumbakonam Taluk] except according to due process under the relevant Land Acquisition Act.

***[Prayer amended vide order dated 03.02.2025
in W.M.P(MD)No.6012 of 2022]***

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.S.Shaji Bino
Special Government Pleader



W.P(MD)Nos.7215 & 7216 of 2022

COMMON ORDER

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W.P(MD)No.7215 of 2022 seeks for a Writ of Mandamus forbearing the respondents from interfering with the petitioner's enjoyment of the property in R.S.No.27/2 measuring 80 cents and R.S.No.27/2A measuring 36 cents situated at Kannarakkudi Village, Thiruvidaimaardur Taluk, Thanjavur District except otherwise in accordance with law.

2.W.P(MD)No.7216 of 2022 seeks for a Writ of Mandamus forbearing the respondents from interfering with the petitioner's enjoyment of the property in R.S.No.27/2A measuring 10 cents situated at Kannarakkudi Village, Thiruvidaimaardur Taluk, Thanjavur District except otherwise in accordance with law.

3.The writ petitioner/G.Ravichandran claims that the property is a Natham land and therefore, it does not belong to the Government. He pleads that the property belonged to one Ayyasamy Iyer, who obtained the same by virtue of a partition deed dated 02.07.1953.



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Subsequently, the said Ayyasamy Iyer had leased the property to the father of the writ petitioner namely one Mr.Gopal. The said Gopal passed away on 01.05.2020 and the petitioner succeeded to the estate. He claims to be a cultivating tenant entitled to the protection of the Tamil Nadu Cultivating Tenants Protection Act, 1955.

4.The cause of action for the Writ Petition is that certain persons belonging to Adi Dravidar community wanted the Government to allot the aforesaid properties to them. The Tahsildar, pursuant to this request, entered into the property and started surveying the same. According to the petitioner, as the property is a Natham land and since the same does not vest with the Government, it has no right to interfere with the possession of the petitioner. Hence, the Writ Petition in W.P(MD)No.7215 of 2022.

5.Similar is the pleadings in W.P(MD)No.7216 of 2022.



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6.Mr.H.Lakshmi Shankar, pleads that in the light of the Judgment in *the Executive Officer, Kadathur Town Panchayat Vs. V.Swaminathan and others*, reported in *2004 (3) CTC 270*, lands classified as “Gramanatham” does not vest with the Government and his clients are entitled to an order in the Writ Petitions.

7.Per contra, the learned Government Advocate drawing my attention to paragraph No.7 of his counter-affidavit states that the land has been classified as “Natham poramboke” and therefore, the Government is entitled to enter upon its land. He adds when the lands are Government lands, the question of acquisition does not arise.

8.I have carefully considered the submissions of both sides.

9.If the petitioners are setting up a plea of title, the appropriate remedy is for the lessor of the petitioners to sue for such a declaration before the civil Court. On one hand, we have the petitioners pleading that the classification of the land is Natham, therefore, it should



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be treated as Gramanatham and hence the Government does not have any right over the same. On the other hand, we have the Special Government Pleader pleading that it is not a Gramanatham, but Natham poramboke, which vests with the Government. Therefore, they are entitled to enter upon the property and even farm out a right in the property to third parties. As there is a dispute with regard to the classification as well as title, writ jurisdiction would not be the appropriate remedy to decide the issue.

10.I notice from the counter-affidavit that the respondents had conceded to the possession of the writ petitioners. If that is the position, then it is always open to the petitioners either to approach the civil Court or defend any eviction proceedings that may be initiated by the Government against them pleading that the land belongs to the lessor and the Government does not have any right over the same.

11.It is a settled position of law that no person including the Government cannot forcibly take possession of a property, when another, is in settled possession of the property (see *the Midnapur Zamindary*



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Company Ltd. vs Kumar Naresh Narayan Roy reported in ***1924 (20)***

LW 770). It is made clear that the Government will not be entitled to enforceable possession of the property. The undertaking that they shall initiate appropriate proceedings is recorded. It is left open to the petitioners to make such claim as they are entitled to during such course of proceedings if initiated. The Writ Petitions are disposed of with the above aforesaid liberty. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

03.02.2025
(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes
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V.LAKSHMINARAYANAN, J.

ps

Order made in
W.P(MD)Nos.7215 & 7216 of 2022

**03.02.2025
(1/2)**