



W.P.(MD)No.7423 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B.BALAJI

W.P.(MD)No.7423 of 2023

and

W.M.P(MD)Nos.6961 of 2023 & 459 of 2025

M.Babjahan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Pudukottai District.
- 2.The Land Acquisition Officer and
Tahsildar,
Office of the Land Acquisition Officer
and Tahsildar,
Kulathur Taluk,
Pudukottai District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Eluppur, Kulathur Taluk,
Pudukottai District.
- 4.The Chairman of Panchayat Union,
Annavaasal Panchayat Union,
Annavaasal,
Pudukottai District.



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5. The Executive Officer,
Office of the Executive Officer,
Hindu Religious and Charitable Endowments
Department,
Pudukottai Temples,
Pudukottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to hand over the petitioner's ancestral land to the petitioner, which is situated in Survey S.F.No.62/2 measuring an extent of 0.07.0 Hectares and Survey No. 62/4 measuring an extent of 0.03.0 hectares of land at Northamalai Village, Kulathur Taluk, Pudukottai District as per communication letter in Na.Ka.1812/2019/A2 dated 04.10.2021 given by the third respondent within the time stipulated by this Court.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.S.Kameswaran
Government Advocate
for R.1 to R.4

Mr.G.Mathavan for R.5

ORDER

The petitioner has filed the present writ petition to direct the respondents to handover the petitioner's ancestral land to the petitioner



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comprised in S.F.No.62/2, measuring 0.07.0 Hectares and Survey No. 64/2 measuring 0.03.0 Hectares Northamalai Village, Kulathur Taluk, Pudhukottai District.

2.I have heard the learned counsel appearing for the writ petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

3.The petitioner's paternal uncle one Mohammed Ibrahim was the owner of the subject lands. The second respondent initiated the land acquisition proceedings at the behest of the fifth respondent for construction of a marriage hall. The acquisition proceedings were concluded and the registered land owner, Mohammed Ibrahim was paid compensation as well. However, subsequently the said Mohammed Ibrahim sent a representation seeking reconveyance under Section 48(B) of the then subsisting Land Acquisition Act. He also approached this Court in W.P(MD)No.10038 of 2009 to forbear the officials from interfering with his possession and enjoyment of the property. This Court after hearing the petitioner's counsel as well as the Executive



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Officer, recorded that the petitioner was willing to take on lease a shop by entering into a lease agreement with the third respondent. This Court directed the third respondent to execute necessary lease agreement in favour of the petitioner in respect of the shop constructed by the third respondent opposite to Narthamalai Muthumariamman temple belonging to Pudukkottai Devasthanam. However, going back on the said order and consent before this Court, the said Mohammed Ibrahim preferred Review Application(MD)No.47 of 2011. The said review petition came to be dismissed on merits on 13.12.2011. Aggrieved by the same, the petitioner also filed Writ Appeal and after ascertaining from the learned Government Pleader who was present in the Court, the Hon'ble Division Bench dismissed the Writ Appeal with costs, finding that the petitioner was projecting a false case, as if he never appeared before the learned single Judge and consented to take on lease of one of the shops belonging to the third respondent. Thereafter, the present petitioner / nephew of the said Mohammed Ibrahim has been sending representations to the authorities. The backbone of the case of the petitioner is that the third respondent has recommended for reconveyance / allotment of alternative site. On the strength of this recommendation, the petitioner



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has given a representation to the authorities before approaching this Court.

4.Per contra, the learned counsel appearing for the fifth respondent would submit that the petitioner has a habit of repeatedly issuing such representations to all the authorities and when the marriage hall had already been constructed and possession of the petitioner's uncle's property was taken over long back and the compensation awarded was also paid to the said Mohammed Ibrahim, the petitioner cannot be entitled to any right and consequently issuance of Writ of Mandamus to enforce such non-existing rights.

5.The learned counsel appearing for the fifth respondent would further submit that when the petitioner seeks for handing over the property in the present writ petition, he has approached the District Munsif Court, Keranur in O.S.No.11 of 2022 as if the petitioner is still in possession and as sought for permanent injunction to restrain the officials from despoiling his alleged peaceful possession and enjoyment of the suit property. He would further contend that there is absolutely no *bona fides*



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on the part of the petitioner and the writ petition deserves to be dismissed.

6.I have carefully considered the submissions of the learned counsel and the entitlement of the land owner, even assuming the petitioner can be construed as a land owner or interested party, for reconveyance has been settled by a series of judgments of this Court. Reconveyance under the Land Acquisition Act, since repealed is not a matter of right. It is entirely at the discretion of the authorities to consider multitude of factors before deciding to reconvey the lands acquired from the original owner. This has been elaborately dealt with by this Court in W.P(MD)No.2660 of 2014 (***Rajathi Vs The Secretary to Government, Law (Legal Education) Department***) by judgment dated 12.07.2021 and in the said decision, this Court has also held that even if the authorities below had recommended for reconveyance, the land owner was not entitled to reconveyance as a matter of course and it is for the Government alone to take a decision for reconveyance. Moreover, now, the Land Acquisition Act has also been repealed and in view of the said position, the petitioner cannot be after the authorities seeking a right which is not even vested with him.



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7. In view of the above, I do not find any necessity to entertain the Writ of Mandamus. The writ petition deserves to be dismissed.

8. At this stage, the learned counsel appearing for the petitioner would bring to my notice that on his representation, the District Revenue Officer has sent a communication in Na.Ka D2/4872/16 dated 17.02.2025 calling the petitioner for enquiry on 03.04.2025 at 03.30 p.m. Though, the District Revenue Officer has called the petitioner for enquiry, there is no useful purpose in issuing any positive direction, since the District Revenue Officer is not competent to address the grievance of the petitioner and already the original land owner Mohammed Ibrahim has exhausted all his remedies before the authorities as well as before this Court up to the Division Bench.

9. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.03.2025

Index : Yes / No
NCC : Yes / No
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MGA



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P.B.BALAJI, J.

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Order made in
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Dated:
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