



W.A(MD)Nos.2237 & 2447 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A(MD)Nos.2237 & 2447 of 2025

and

C.M.P(MD)No.12907 of 2025

W.A(MD)No.2237 of 2025

- 1.The District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
Melur Taluk,
Madurai District.
- 3.The Tahsildhar,
The Tahsildhar Office,
Madurai East Taluk,
Madurai District.
- 4.The Village Administrative Officer,
Arumbanur II Bit,
Madurai East Taluk,
Madurai District.
- 5.The Block Development Officer,
Arumbanur II Bit, Madurai,
East Taluk,



W.A(MD)Nos.2237 & 2447 of 2025

Madurai District.

... Appellants/Respondents 1 to 5

WEB COPY

Vs.

1.S.Subba Pillai

2.Sankar

... Respondents 1 & 2/Petitioners

3.Karthick

4.Jagajeevan

... Respondents 3 & 4/
Respondents 6 & 7

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent Appeal, to set aside the order dated 19.06.2025 in W.P(MD)No.5200 of 2025.

For Appellants : Mr.M.Sarangan
Additional Government Pleader
For R1 & R2 : Mr.M.Abdul Rashith

W.A(MD)No.2447 of 2025

1.Subba Pillai

2.S.Sankar

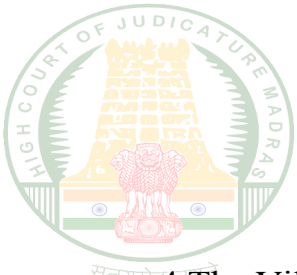
.. Appellants/Petitioners

Vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Melur Taluk,
Madurai District.

3.The Tahsildhar,
The Tahsildhar Office,
Madurai East Taluk,
Madurai District.



W.A(MD)Nos.2237 & 2447 of 2025

4.The Village Administrative Officer,
Arumbanur II Bit,
Madurai East Taluk,
Madurai District.

5.The Block Development Officer,
Arumbanur II Bit, Madurai,
East Taluk,
Madurai District.

6.Karthik
Rep. by its
The Jemi Sadhuragiri Nagar - Layout,

7.Jegajeevan ... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent Appeal, to
set aside the order dated 19.06.2025 in W.P(MD)No.5200 of 2025.

For Appellants : Mr.M.Abdul Rashith
For R1 to R5 : Mr.M.Sarangan
Additional Government Pleader

COMMON JUDGMENT

(Judgment of the Court was made by **G.ARUL MURUGAN, J.**)

Two separate Intra Court appeals are preferred as against the order dated
19.06.2025 in W.P(MD)No.5200 of 2025.



W.A(MD)Nos.2237 & 2447 of 2025

WEB

2. The learned Additional Government Pleader appearing for the appellants in the appeal preferred by the State contends that the two subject matter of the two properties in Survey Nos.50,51/15 are the properties of the Government and the writ petitioner was only granted a usufructs right by issuance of 2C patta, wherein, he was entitled to proceeds from the trees as it is visible from the patta. As such, the Writ Court, after coming to the conclusion that there are 43 trees were available in the subject property was not correct, but however, only 5 trees were found, had erroneously come to a conclusion that in view of the damage made to the trees, the writ petitioner is entitled to a compensation of Rs.1,00,000/- and seeks for interference of this Court.

3. The learned counsel for the appellant in W.A(MD)No.2447 of 2025 would contends that when the writ petitioner had actually planted the trees in view of the 2C patta granted in his favour and therefore, the Government authorities had removed the trees and put up constructions, the petitioner ought to be compensated and taking note of the fact that the trees, which are available on the property, the Writ Court had rightly granted the compensation of Rs.1,00,000/- which need not be disturbed.



W.A(MD)Nos.2237 & 2447 of 2025

4. Heard the submissions made by both sides and perused the materials

WEB GOVERNMENT available on record.

5. Admittedly, the property situated in survey Nos.50 & 51/15, measuring to an extent of 83 cents belonging to the Government and 2C patta came to be issued in favour of the writ petitioner in the year 1998 for these two properties. A perusal of the pattas issued for these properties revealed that there is a specific condition attached with the patta that the writ petitioner will be only entitled to the usufructs rights from the trees on payment of necessary charges.

6. It is brought to the notice of this Court that the writ petitioner had infact not paid even the charges for nearly two years and for non-payment of the charges, 2C patta granted would automatically stand cancelled.

7. It is also submitted that by an order dated 25.07.2025, 2C pattas granted in favour of the writ petitioners had also been duly cancelled. When the facts remain that the Government being the owner of the two subject properties granted 2C patta in favour of the writ petitioners, they are only entitled for the proceeds from the trees. The Department wanted to put the subject lands for better



W.A(MD)Nos.2237 & 2447 of 2025

use and they had taken over the possession and now construction had also been put up in the properties. It is the only contention of the writ petitioners that there were certain trees available in the property and when the Government had removed the trees, the petitioners are entitled for compensation to such trees. We are not able to accept such a contention raised by the learned counsel for the appellant in W.A(MD)No.2447/2025/writ petitioners.

8. When the fact remains that they were only entitled for the usufructs based on the 2C patta and further, the trees belonging to the Government, the petitioners have no locus to claim for any compensation in respect of the trees. Further, the Writ Court on finding that the claim made by the petitioners that there were 43 trees was not correct and there were only 5 trees available in the property, without any basis, had arbitrarily fixed an amount of Rs.1,00,000/- as compensation to be paid to the writ petitioners. In our considered opinion, such a direction issued by the Writ Court in fixing the fair compensation of Rs.1,00,000/- for the trees that belong to the Government is without any rational or any legal basis. Accordingly, the impugned order challenged in the writ appeal in W.A(MD)No.2237 of 2025 is liable to be interfered.



W.A(MD)Nos.2237 & 2447 of 2025

9. In view of the above deliberations, the writ appeal in W.A(MD)No.

WEB 2237 of 2025 preferred by the State stands allowed and the other writ appeal

preferred by the writ petitioners in W.A(MD)No.2447 of 2025 stands dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (G.A.M., J.)
28.08.2025

NCC : Yes / No

Index : Yes / No

am



W.A(MD)Nos.2237 & 2447 of 2025

WEB COPY

To

- 1.The District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
Melur Taluk,
Madurai District.
- 3.The Tahsildhar,
The Tahsildhar Office,
Madurai East Taluk,
Madurai District.
- 4.The Village Administrative Officer,
Arumbanur II Bit,
Madurai East Taluk,
Madurai District.
- 5.The Block Development Officer,
Arumbanur II Bit, Madurai,
East Taluk,
Madurai District.



WEB COPY



W.A(MD)Nos.2237 & 2447 of 2025

S.M.SUBRAMANIAM, J.

AND

G.ARUL MURUGAN, J.

am

W.A(MD)Nos.2237 & 2447 of 2025

28.08.2025