



W.P.(MD)No.29479 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.29479 of 2024

and

W.M.P(MD)Nos.24863, 24865 and 24867 of 2024

S.Elosius

... Petitioner

Vs.

1.The District Collector,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli.

3.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli.

4.The Superintending Engineer,
TWAD Board,
911/82, R.C.Church Complex,
Telegraph Office Building,
Madurai Main Road,
Kovilpatti, Tuticorin.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order in COI TNV/5312/2023-G2, dated 24.02.2024 passed by the first respondent and quash the same.



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W.P.(MD)No.29479 of 2024



For Petitioner : Mr.H.Arumugam
For R1 to R3 : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.A.Kannan
Additional Government Pleader
For R4 : Mr.R.Satheesh
Standing Counsel

ORDER

The writ petition has been filed challenging the order impugned passed by the first respondent, dated 24.02.2024, permitting the first respondent to enter the property of the petitioner in S.No.11C/2 to an extent of 68 cents in Kuppakurichi Village, Tirunelveli Taluk and District for the purpose of establishing water purifier station.

2. With the consent of both parties, the writ petition is taken up for final disposal.

3. The property originally belonged to one Muthukrishna Reddiyar under Will, dated 07.02.1958 executed by his son, Pappu Reddiyar. While so, Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, came into force and all the lands belonging to the family of Muthukrishna Reddiyar were subjected to land reform proceedings. The petitioner submitted that Muthukrishna Reddiyar took up the matter by way of revision to the Hon'ble



W.P.(MD)No.29479 of 2024

High Court in C.R.P.No.1173 of 1972 under Section 83 of the Act, 1961 and this Court held that as the subject lands were agricultural lands they were exempted under the provisions of the Act. Thus, the title of Muthukrishna Reddiyar was confirmed and as the Government did not challenge the order it attained finality. The petitioner purchased the lands from the son of said Muthukrishna Reddiyar. Ever since the purchase, the petitioner was in enjoyment and possession of the same. Immediately after the purchase, the petitioner submitted a representation on 03.05.2017, for issuance of patta in his favour. The same was enquired by the Village Administrative Officer, and the third respondent recommended the second respondent vide his proceedings, dated 23.02.2018, for issuance of patta in favour of the petitioner, but inspite of the same no order was passed. Meanwhile, the petitioner came to know that there was a proposal for construction of water purifier station in S.No.11C under the combined water supply scheme. The petitioner therefore submitted a representation to the respondents reiterating the earlier request for grant of patta and produced all the relevant documents. At this juncture, the petitioner came to know that the first respondent passed the impugned order, dated 22.04.2024, granting permission to the fourth respondent to enter into the petitioner's property for the purpose for construction of water purifier station. The impugned order covered the lands in S.No.11C/1, 11C/2 and 11C/3 for total extent of 3.59.50 hectares. The petitioner has filed the above writ petition



challenging the impugned order in respect of his lands in S.No.11C/2 to an extent of 68 cents.

4. When the matter was taken up on earlier occasions, after elaborate arguments, representation was made on behalf of the Government stating that there was no access to S.No.11C/3, where the water purifier station was constructed. The learned Additional Advocate General further stated that without entering into the petitioner's lands in S.No.11C/2, the water purifier station in S.No.11C/3 could not be accessed.

5. The fourth respondent filed status report along with sketch on 27.01.2024, stating that an extent of 11 cents was required for laying pathway to the water purifier station in S.No.11C/3. Therefore, the respondents placed two proposals before the petitioner. The first proposal was for exchange of the lands and other proposal was for compensation. The learned counsel sought time for getting instructions. Today, when the matter was taken up, the learned counsel submitted that the petitioner and the respondents have agreed for exchange of lands.

6. In support of the same, the learned counsel for the petitioner filed reply affidavit, dated 29.01.2025, wherein, the petitioner stated as follows:



W.P.(MD)No.29479 of 2025.

"6. I submit that in view of the above consensus arrived the respondents may be directed to earmark the 11 cents proposed to be given in S.No.11C/1 in lieu of taking my land in S.No.11C/2 for pathway by earmarking the same in the plan and consequently direct the respondents to issue patta for my land in S.Nos. 11C/2 and 11C/1 i.e., the proposed exchange of land".

7. The learned Additional Advocate General also admitted that the said consonance was arrived at with the petitioner.

8. In view of the above consensus, a direction is issued to the respondents 1 to 3 to issue patta to the petitioner for the remaining lands in S.No.11C/2 to an extent of 57 cents, which admittedly belongs to the petitioner and for 11 cents in S.No.11C/1 given to the petitioner in exchange of 11 cents of his land in S.No.11C/2 within a period of 8 weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
SN



W.P.(MD)No.29479 of 2021.

To:

- 1.The District Collector,
Tirunelveli.
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- 3.The Tahsildar,
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Tirunelveli.
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W.P.(MD)No.29479 of 2024.

N.MALA, J.

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W.P.(MD)No.29479 of 2024

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