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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WA No. 3172 of 2026
CNR:{HCMA010777142024}

R.Govindasamy (Died)

1.Thavamani
D/o. R.Govindasamy

2.Vairamani
S/o. R.Govindasamy

3.Nallathambi
S/o. R.Govindasamy

4.Kumutham
D/o. R.Govindasamy

All are residing at
Kuberapattinam Village,
Melmuthanoor Madhura,
Mothakkal Post,
Thandaramapattu Taluk
Thiruvannamalai District 606 708
[Cause-title accepted vide order dt.
25.7.2024 in CMP No.15033/2024]

Appellants

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Vs

1.The Commissioner
Land Administration
Chepauk, Chennai 600 005.

2.The Revenue Divisional Officer
Revenue Divisional Office,
Thiruvannamalai Taluk,
Thiruvannamalai -606 601

3.The Tahsildar
Thandrampattu Taluk,
Thandrampattu - 606 707,
Thiruvannamalai District

4.The District Collector
Thiruvannamalai District,
Thiruvannamalai - 606 604.

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 22.08.2023 made in W.P.No.28984 of 2022.

For Appellants: Mr.P.Mani

For Respondents: Mr.L.Gokulraj
Addl. Government Pleader

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JUDGMENT
(Delivered by *G.Arul Murugan, J.*)

This intra-Court appeal assails the order dated 22.8.2023 made in W.P.No.28984 of 2022, whereby the challenge made to the order dated 8.8.2022 of the first respondent by the appellants' father, namely Govindasamy, came to be rejected by the writ court and the appellants' father was relegated to approach the competent civil court.

2. Since the original writ petitioner, Govindasamy, died after the dismissal of the writ petition, the appellants, who are the legal heirs of the deceased writ petitioner, have filed the present writ appeal.

3. Learned counsel appearing for the appellants contended that, since the lands have been acquired from the appellants' father and his rights were taken away, the appellants' father was entitled to seek compensation. In this regard, the appellants' father had earlier approached the authorities, and since the compensation was

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not paid, which claimwas rejected vide impugned order in the writ petition, the appellants' father challenged the same before the writ court. However, the learned Single Judge, without adverting to the facts, particularly the fact that the appellants' father had purchased the land which was acquired under the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971 [hereinafter referred to as "*1971 Act*"], erroneously relegated the appellants' father to seek redress before the civil court and, therefore, he seeks interference.

4. We have considered the submissions made by learned counsel for the appellants and also perused the materials available on record.

5. The claim of the appellants is that the appellants' father had purchased an extent of 5.50 acres in Survey No.54/2B of Kuberapattinam Village, Melmuthanoor Madhura, Thandarampattu Taluk as early as 23.3.1961. It is claimed by the appellants that the property was acquired under the provisions of the 1971 Act.

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6. Contending that the compensation for the lands acquired was not paid to him, the appellants' father approached the authorities seeking compensation, which request was rejected by the impugned order dated 8.8.2022.

7. From the perusal of the records, we find that a detailed enquiry was conducted by the Tahsildar, Thandarampattu, in the earlier round, where the appellants' father made a claim, and in the enquiry, it has been recorded that while the appellants' father claims that 5.50 acres was purchased in Survey No.54/2B through Document No.822/1961, he himself had sold an extent of 1.94 acres to several third parties, which was sub-divided as Survey No.54/2B1, and, in respect of the balance extent, i.e., 0.24 acres and 3.32 acres, which was sub-divided as Survey No.54/2B2, the land stands in the name of the government, and is now on the ground occupied by a highway, road, temple, water tank and PDS shop.

8. From the enquiry conducted on the claim made by the appellants' father, it reveals that the appellants' father himself had

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sold an extent of 1.94 acres, and these lands have been sub-divided and classified as Survey Nos.54/2B1 and 54/2B2, where the balance land remains as government land in the records and as on date, in the field is occupied by a water tank and several other public utilities. At no point of time, did the appellants' father challenge this classification.

9. When the appellants contend that lands were acquired from the appellants' father, it is recorded in the order that inspite of providing opportunities, the appellants' father was not able to produce any record to substantiate that the lands were acquired. Even before this Court, in respect of a pointed query, learned counsel for the appellants is not able to produce any records to evidence that the lands were acquired from the appellants' father under the 1971 Act by issuing any notice.

10. In such circumstances, when the claim made by the appellants' father came to be rejected, the learned Single Judge, while considering the writ petition found that there are disputed questions of fact involved which cannot be agitated in a writ petition

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filed under Article 226 of the Constitution of India, and had rightly relegated the appellants' father to approach the civil court to redress his grievance.

11. In view of the above, we do not find any error or infirmity in the findings arrived at by the learned Single Judge. Accordingly, the writ appeal stands dismissed, leaving it open to the appellants to pursue the remedy as observed by the learned Single Judge. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)

20.11.2026

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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