

W.A.(MD)No.2557 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.06.2026**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A.(MD)No.2557 of 2024

and

C.M.P.(MD)No.18017 of 2024

1.The Collector,
Collectorate,
Tuticorin District.

2.The Special Tahsildar,
Land Acquisition (Adi-Dravidar Welfare),
Ettayapuram Road,
Kovilpatti,
Tuticorin-District.

3.The Tahsildar,
Taluk Office,
Kovilpatti,
Tuticorin District.

...Appellants

Vs.

V.Amsam

...Respondent

PRAYER:- Writ Appeal – filed under Clause 15 of the Letters Patent, to set aside the order passed by this Court in W.P.(MD)No.27865 of 2023 dated 24.11.2023.



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W.A.(MD)No.2557 of 2024

For Appellant : Mr.M.S.Parthiban
Counsel for the State
For Respondents : Mr.C.Emalias
Counsel for the State

JUDGMENT

(Judgment of the Court was delivered by **N.SATHISH KUMAR, J.**)

Challenging the order of the learned Single Judge directing mutation of the records after enquiry, the present writ appeal has been filed by the State.

2.The following are the brief facts necessary for disposal of the appeal:

(i)An extent of 19.12 acres was the subject matter of the notification issued under Section 4(1) of the Tamil Nadu Land Acquisition for Harijan Welfare Schemes (1978, Act 31 of 1978) (hereinafter referred to as 'the Act' for the sake of brevity).

(ii)The said acquisition was challenged by way of two writ petitions in W.P.Nos.5470 and 5471 of 1998 by one Amsam and Parthiban. The learned Single Judge by order dated 29.07.2005 quashed



W.A.(MD)No.2557 of 2024

WEB COPY

the land acquisition proceedings in respect of the land standing in the name of the writ petitioner alone. Aggrieved over the same, the State has filed appeals in W.A.Nos.161, 162 of 2006 and another appeal has been filed by one of the writ petitioners/land owners in W.A.No.369 of 2006 against the portion of the order that did not extend the benefit of the order to the land standing in the name of Sellathai Ammal.

(iii)The Division Bench allowed all the three appeals by way of a common order dated 06.08.2009 holding that the writ petitioners are the owners of the subject property in W.P.Nos.5470 and 5471 of 1998 and as far as the notification issued in the name of Sellathai Ammal is bad, since the notice under the land acquisition proceedings was issued as against a dead person, namely Sellathai Ammal. Consequently, the proceedings initiated against Sellathai Ammal were held to be unsustainable in law and were accordingly quashed. The Division Bench, however, observed that it would be open to the authorities to initiate fresh proceedings, in accordance with law, in respect of the lands standing in the name of Sellathai Ammal, if such lands were required for the purpose contemplated under the Act.



W.A.(MD)No.2557 of 2024

WEB COPY

(iv)As against the said judgment of the Division Bench, Special Leave Petitions have been filed by the land owners in S.L.P.Nos. 27585 and 27586 of 2009 and the said Special Leave Petitions were dismissed vide order dated 22.11.2010. It is relevant to note that as against the order of the Division Bench allowing the appeal by setting aside the acquisition proceedings in respect of the land owned by Sellathaiammal, no appeal whatsoever has been filed by the State. Therefore, the judgment of the Division Bench quashing the land acquisition proceedings in respect of 3.20 acres of land standing in the name of Sellathai Ammal has attained finality.

(v)Later W.P.(MD)No.9481 of 2014 was filed by Amsam for effecting mutation of the revenue records in respect of the land owned by the Sellathaiammal. This Court by an order dated 21.07.2014 directed the Tahsildar to pass an order in accordance with law within a period of eight weeks from the date of receipt of a copy of that order. Though such directions were issued as early as in the year 2014, no mutation of the revenue records has been effected till date and no orders appear to have been passed by the Tahsildar.



W.A.(MD)No.2557 of 2024

WEB COPY

(vi) Thereafter, another writ petition in W.P.(MD)No.19848 of 2021 was filed for the very same relief and the same was dismissed as withdrawn on 17.04.2023. Thereafter, W.P.(MD)No.27865 of 2023 has been filed for mutation. The learned Single Judge considering the factual aspects as narrated above allowed the writ petition in the following terms:

“7. I therefore dispose of the Writ Petition in the following terms:-

(i) The first respondent will satisfy himself that the acquisition proceedings in respect of 3.02 acres in the petition mentioned survey numbers had ended in favour of the petitioner.

(ii) Since this writ petition is disposed of at the admission stage, it is open to the first respondent to verify the relevant records. This shall be done immediately and without any delay.

(iii) Once the first respondent is satisfied that the petitioner-s contention is correct, consequential mutation in the revenue record will be immediately made. It is not necessary for the first respondent to await any direction from the Government.

(iv) This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.”



W.A.(MD)No.2557 of 2024

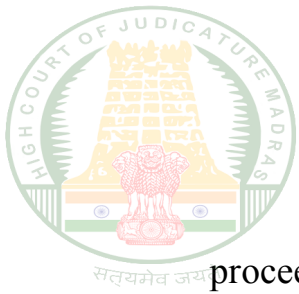
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Aggrieved by the said order, the present appeal has been filed by the State.

3.Heard the learned counsel appearing on either side and perused the materials placed on record.

4.On a careful consideration of the series of orders passed in respect of the subject property, particularly the judgment of the Division Bench in W.A. Nos. 161, 162 and 369 of 2006, this Court is satisfied that the acquisition proceedings in respect of 3.20 acres of land standing in the name of Sellathai Ammal were held to be invalid and unsustainable in law. The Division Bench clearly held that if the authorities intended to acquire the said land, they were required to initiate fresh acquisition proceedings in accordance with law. Admittedly, the said finding has attained finality, as no appeal was preferred by the Government as against the judgment of the Division Bench.

5.In view of the above, the land measuring 3.20 acres belonging to Sellathai Ammal stands outside the scope of the acquisition



W.A.(MD)No.2557 of 2024

WEB COPY

proceedings. Despite such clear findings and notwithstanding the specific direction issued by this Court in W.P.(MD) No. 9481 of 2014 as early as on 21.07.2014 to consider the request for mutation of the revenue records, the authorities have failed to take any action in the matter.

6.Once the acquisition proceedings in respect of the subject land were quashed, the property never vested in the Government or the acquiring authority. Consequently, the authorities cannot rely upon the existing revenue entries standing in the name of the Government as a ground to refuse or delay mutation of the records.

7.Accordingly, this Court is of the considered view that the direction issued by the learned Single Judge warrants no interference. The authorities concerned are directed to carry out mutation of the revenue records and complete all consequential formalities within the time stipulated by the learned Single Judge, without any further delay. It is made clear that failure to comply with the directions issued by this Court will result in appropriate contempt proceedings.



W.A.(MD)No.2557 of 2024

WEB COPY

8. With the above direction, this writ appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
24.06.2026

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W.A.(MD)No.2557 of 2024

**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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W.A.(MD)No.2557 of 2024

24.06.2026