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dated: 23.06.2016

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, CHIEF JUSTICE

and

The Honourable Mr. Justice R. MAHADEVAN

W. P. No. 27198 of 2013

Petitioner

Verus

1. The Government of Tamilnadu,
Rep. by its Secretary to the Government
Revenue Department,
Fort St. George, Chennai 600 009.
2. The Commissioner of Land Administration
Chepauk Buildings,
Chepauk, Chennai.
3. The Assistant Commissioner
(Land Reforms), Erode,
937, E.V.N. Road,
Erode - 2.
4. The District Collector,
Thiruppur District,
Thiruppur.
5. The Superintendent of Police
Thiruppur District.
6. The District Revenue Officer,
Thiruppur District.
7. The Revenue Division Officer,
Thiruppur Revenue Division,
Thiruppur.
8. The Tahsildar,
Palladam Taluk,
Thiruppur District.
9. The Sub-Registrar,
Palladam
Thiruppur District.

Respondents

Ct 0079500

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondents to reassign the lands which were assigned to the persons belonging to the Scheduled Community under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 and under the panchami land allocation at Kethanoor Village in Palladam Taluk to the eligible persons belonging to the Scheduled Community and subsequently direct the respondents to initiate appropriate action.

For Petitioner : : : No appearance
For Respondents : : : Mr. S.T.S. Murthi

Special Government Pleader
assisted by
Mr. V. Shanmugasundar
Govt Advocate for A.1 to A.9

ORDER
(The Order of the Court was made by The Hon'ble The Chief Justice)

The petitioner has filed this writ petition with the following prayer:

"Therefore, it is prayed before this Hon'ble Court to issue a writ of order or direction in the nature of a writ, particularly a writ of Mandamus directing the respondents to reassign the lands which were assigned to the persons belonging to the Scheduled Community under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 and under the Panchami land allocation at Kethanoor Village in Palladam Taluk to the eligible persons belonging to the Scheduled Community and subsequently direct the respondents to initiate appropriate action against the errant and may pass any other order or orders as this Hon'ble Court may deem fit and proper to the facts and circumstances of the cases and thus render justice."

2. The stand of the respondents as reflected in their counter affidavit in paragraph 12 is as under:

"12 I beg to submit subsequently, the pattadars of the land have fulfilled the conditions laid down by the Assistant Commissioner (Land Reforms) Brode. Thereafter they have presented a petition to issue Clearance

CI 0079501

Certificate with respect to transfer the nature of patta. On the basis of their request, the Assistant Commissioner (Land Reforms) Erode has passed an order under Ma.Kas.No.693/2007/C2 to effect transfer of patta with respect to the lands situated in S.F.No.199, 201, 206 etc. in favour of the pattadars. In the said order, the Assistant Commissioner (Land Reforms) Erode categorically mentioned that the condition period of 20 years have been completed on 19.04.2005 and the total land value have been remitted by the pattadars without any balance to the Land Reforms Department and the pattadars have not violated the conditions as laid down by the authorities. While issuing patta, the pattadars have completely fulfilled their conditions and they have obeyed the order passed by the Land Reforms Department. Further the Clearance Certificate has also been issued to the Land owners by the Assistant Commissioner (Land Reforms) Erode. As per the order of Assistant Commissioner (Land Reforms) Erode dated 03.04.2007, the pattadars as well as the owners of the property referred above are entitled to transfer their title of properties to anybody else. The entire conditions laid down by the Land Reforms authorities have been totally lifted by the Assistant Commissioner (Land Reforms) Erode dated 03.04.2007. Hence the said lands an extent of acres 23.84 have been purchased by the Ayobkhan, son of Abbas are free from encumbrance. The sale deeds stand in the name of Ayobkhan are valid and genuine and he purchased those properties vide several Sale Deeds referred above.

3. Learned Government Pleader thus submits that the claim of the petitioner is based on misconception of the legal position qua such lands which are capable of being transferred after the initial period of 20 years.

4. We thus dismiss the writ petition, leaving the parties to bear their own costs. Consequently, connected miscellaneous petition is closed.

ksr

Assistant Registrar (CS-VII)

true copy

Sub-Assistant Registrar

Don 8/5/16

Ct 0079502

1. The Secretary, Revenue Department, Fort St. George, Chennai 600 002
2. The Commissioner of Land Administration
Chepauk Buildings, Chepauk, Chennai.
3. The Assistant Commissioner (Land Reforms), 237, E.V.N. Road,
Erode - 7.
4. The District Collector, Thiruppur District, Thiruppur.
5. The Superintendent of Police, Thiruppur District.
6. The District Revenue Officer, Thiruppur District.
7. The Revenue Division Officer, Thiruppur Revenue Division,
Thiruppur.
8. The Tansliadar, Palladam Taluk, Thiruppur District.
9. The Sub-Registrar, Palladam, Thiruppur District.

1 cc to Govt. Pleader SR 36501

pe(co)
prk15/7

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Ct0079503

MR TV - Assignment
once the assignees fulfilled the
conditions laid down under the
DSL Rules, they can see the hands.