



W.P(MD)No.11923 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11923 of 2015

N.Suresh Kumar

... Petitioner

Vs.

The Thasildar,
Melur,
Madurai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the representation dated 27.03.2015 sent by the petitioner.

For Petitioner : Mr.M.Rajaraman

For Respondent : Mr.S.RA.Ramachandran,
Addl. Government Pleader.



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ORDER

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Heard both sides.

2.The writ petitioner purchased the petition mentioned lands vide registered sale deed dated 02.08.2010. Patta was issued in his favour. The petitioner noted that S.No.8/1 was left out. He therefore represented to the Tahsildar, Melur to include the said survey number in patta No.1092. But when the revised patta was issued, though S.No.8/1 was there, the other 16 items got left out. Now the petitioner once again called upon the respondent to include the left out items. Since no order was passed, the present writ petition came to be filed.

3.The writ petition was filed in July 2015. It was taken up for disposal only in August 2023. I wanted to know from the respondent as to the disposal given to the petitioner's request. I called upon the learned Additional Government Pleader to produce order disposing of the petitioner's representation.



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4.Today ie., 17.08.2023, when the matter was taken up for hearing, the learned Additional Government Pleader produced a copy of the communication dated 10.08.2023 sent by the Tahsildar, Melur to the District Collector, Madurai. According to the respondent, the lands purchased by the petitioner have been classified as panchami lands and that therefore, it is only the committee constituted under G.O.(Ms)No.12, Adi Dravidar and Tribal Welfare Department, dated 04.03.2022 that can resolve the issue.

5.I carefully considered the rival contentions and went through the materials on record. It is not in dispute that the petitioner purchased the petition mentioned lands only from the previous pattadars. Even according to the respondents, the re-classification of the lands purchased by the petitioner as panchami lands took place in the year 2012. Admittedly, no notice was given to the petitioner. What has happened is the blatant and clear violation of principles of natural justice. Without putting the petitioner on notice, the lands purchased by him could not have been re-classified behind his back. If notice had been given, the petitioner could have raised his objections. He could have argued that



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the lands were not panchami lands in the first instance. In the alternative, he could have pleaded on account of the long lapse of time, he cannot be deprived of his lands. I do not want to go into the merits of the controversy at present. In as much as, the re-classification has taken behind his back, the respondent is directed to issue patta in favour of the petitioner in respect of the lands purchased by him from previous pattadars. This shall be done within a period of eight weeks from the date of receipt of a copy of this order. I make it clear that issuance of patta in favour of the petitioner in respect of the petition mentioned lands will not come in the way of the authorities from effectuating the object set out in G.O.(Ms)No.12, dated 04.03.2022. As and when resumption proceedings are taken place, it is for the petitioner to contest the same in the manner known to law.

6.This writ petition is allowed on these terms. No costs.

17.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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WEB COPY To:-

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G.R.SWAMINATHAN, J.

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