



W.P(MD)No.1934 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 10.04.2024

Delivered on : 11.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.1934 of 2021

and

W.M.P(MD)Nos.1652 and 1654 of 2021

K.Karuppasamy

: Petitioner

Vs.

1.The Commissioner of Land Revenue,
Chepauk, Chennai.

2.The District Revenue Officer,
Dindigul District, Dindigul.

3.The Revenue Divisional Officer,
Palani, Dindigul District.

4.The Tahsildar,
Ottanchathiram Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order made in Proc.No.F1/8401/2020, dated 31.07.2020 on the file of the first



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respondent and to quash the same as illegal and arbitrary and consequently, direct the respondents to assign the land in S.No.300/2, 300/3, 300/1C & 303/2 of Mandavadi Village, Ottanchathiram Taluk, Dindigul District to the petitioner on payment of double cost of the market value of the said land.

For Petitioner : Mr.M.O.Thevan Kumar
For Respondents : Mr.Veerakathiravan,
Additional Advocate General,
asst.by Mr.A.K.Manikkam,
Special Government Pleader.

ORDER

The Writ Petition is directed against the order dated 31.07.2020 on the file of the first respondent and for directions to the respondents to assign the land in S.No.300/2, 300/3, 300/1C & 303/2 of Mandavadi Village, Ottanchathiram Taluk, Dindigul District to the petitioner on payment of double cost of the market value of the said land.

2. The case of the writ petitioner is that his father Kaliyappa Gounder purchased the property measuring 3.77 acres of agricultural land in S.No.300, 1.04 acres in S.No.303/1C and 1.76 acres in S.No.303/2 of Mandavadi Village, Ottanchathiram Taluk, Dindigul



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District, vide sale deed, dated 03.02.1965 from Kodanki Madari and Palani Madhari; that the petitioner's father came to know in 1987 that the said lands were assigned in favour of his father's vendor as they were belonging to schedule caste community; that the respondents, alleging that the petitioner's father's vendor has violated the assignment conditions, have cancelled the assignment in the year 1987; that the petitioner's father has challenged the cancellation of assignment in W.P.No.2641 of 1988 and the same was ordered to be dismissed on 30.01.1997, directing the authorities to consider the petitioner's father's claim on payment of double the market value, if they are eligible; that though several representations were made before the respondents by his father, there was no response and hence, his father filed a writ petition in W.P.No.11778 of 2009, seeking for a directions to the respondents to consider his representation and the same was disposed of by this Court vide order, dated 17.11.2011, directing the respondents to dispose of the pending representation within a period of 12 weeks thereon; that the fourth respondent conducted a spot inspection on 16.11.2009 and on appraisal of revenue records and in the light of field inspection, recommended to the third respondent that the land can be assigned to his father on receipt of double the amount of market value; that the said land



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was in possession of the petitioner's father for more than 40 years and patta was also issued in his favour; that the third respondent in consequent to the report of the fourth respondent has recommended to the second respondent that the land can be assigned; that though the recommendation was made as early as in the year 2010, there was no further steps taken by the respondents; that subsequently, the petitioner has made a representation, dated 13.01.2019 to the second respondent and since there was no action, he filed a writ petition in W.P(MD) No.6677 of 2019 and this Court directed the second respondent to forward the proposal to the first respondent within a period of four weeks and thereafter, the first respondent shall take a decision on the petitioner's representation within a period of eight weeks thereafter; that subsequently, the second respondent has sent a letter to the first respondent on 28.02.2020 and on receipt of the same, the first respondent has passed the impugned order, dated 31.07.2020, rejecting the petitioner's claim to assign the land on payment of double the cost of market value, holding that Panjamar land cannot be assigned to a non-schedule caste member.



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3. The fourth respondent has filed a counter affidavit and wherein, they have taken a stand that the lands in dispute were assigned to the schedule caste people named 'Madhari' comes under the category of 'depressed class' people; that the said land assigned to them are classified as 'Panchamar Land' in the revenue records; that the petitioner's father and his co-brother purchased the assigned land from the assignees and their legal heirs and subsequently, the said land was sub-divided; that since the sale was brought to the notice of the authorities in 1987, enquiry was conducted by the second respondent and the lands were resumed back to the Government vide order, dated 05.03.1987 and registered as 'Panchamar Tharisu' in the revenue records; that the alienation of the lands assigned to scheduled caste people and the said 'Panchamar Assignments' will be subject to the condition that the said land shall not be alienated to any person before the expiry of 10 years to other caste members; that the order passed by the first respondent, dated 31.07.20220 is just and bona fide and issued in the larger interest of safeguarding the lands reserved for depressed class people and that therefore, the writ petition is liable to be dismissed.



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4. It is not in dispute that the land in dispute were originally assigned in favour of schedule caste people and the lands were classified as 'Panchamar Land' in the revenue records. It is also not in dispute that the petitioner's father Kaliappa Gouder has purchased the said land from the assignees vide sale deed, dated 03.02.1965. The second respondent by taking a stand that the assignees have violated the assignment conditions has passed an order, dated 05.03.1987 resuming the land back to the Government.

5. It is not in dispute that originally the petitioner's father challenging the cancellation of assignment, has filed a writ petition in W.P.No.2641 of 1988 and a learned Judge of this Court, vide order, dated 30.01.1997, dismissed the petition with the following observations.

“ It is open to the petitioners to move the respondents for assignment on payment of double the market value, if they are so eligible.”

Subsequently, the petitioner's father, by alleging that several representations made before the respondents to pay double the amount of market value, were of no avail, has filed a writ petition in W.P.No.11778



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of 2009, seeking for a direction to the respondent to consider his representation and that the said writ petition was disposed of by this Court vide order, dated 17.11.2011, directing the respondents to dispose of the pending representation within a period of 12 weeks thereon.

6. In pursuance of the said direction, the fourth respondent conducted a spot inspection on 16.11.2009 and made a representation to the third respondent that the land can be assigned to the petitioner's father on receipt of double the amount of market value; that the third respondent in consequent to the report of the fourth respondent has recommended to the second respondent that the land can be assigned to his father; that since there was no steps taken by the respondents, despite recommendations of the second respondent and no order came to be passed, the present petitioner has made a representation, dated 13.01.2019 to the second respondent; that since there was no action, the petitioner has filed a writ petition in W.P.(MD)No.6677 of 2019 and this Court vide, order dated 29.04.2019 directed the second respondent to forward the appropriate proposals to the first respondent within a period of four weeks from the date of receipt of copy of that order and the first respondent shall take a decision within a period of eight weeks



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thereafter; that the District Collector has sent a letter to the first respondent on 28.02.2020 and that the impugned order came to be passed on 31.07.2020.

7. At this juncture, it is necessary to refer the reasons for rejecting the claim of the petitioner :

(i) The land in dispute are classified as “ Panchamar Tharisu” and the same can only be assigned to the schedule caste community people and not to others.

(ii) The second respondent has reported that the proposed land has been identified for re-settlement and rehabilitation of 15 families affected by the acquisition of Natham land in S.No.574 /2 of Thangachiyampatti Village, Ottanchathiram Taluk for the purpose of expansion of four way and state highway.

8. The learned Additional Advocate General would submit that the Revenue Standing Order contemplates that the land assigned to schedule caste people and the said Panchamar assignments will be subject to the condition that the said lands shall not be alienated in any manner before the expiry of 10 years to other caste members and that therefore, the



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request of the petitioner to reassign the lands on payment of double the cost of market value could not be considered and the impugned order came to be passed rightly.

9. As rightly contended by the learned counsel for the writ petitioner, if that is their only contention that Panchamar land cannot be assigned or reassigned to the people not belonging to the schedule caste community, then that can be accepted and appreciated. But in the case on hand, the respondents have also taken a ground that the land in dispute has been identified for re-settlement and rehabilitation of 15 families affected by the acquisition of Natham land in S.No.574 /2 of Thangachiyampatti Village, Ottanchathiram Taluk for the purpose of expansion of four way and state highway.

10. As rightly contended by the learned counsel for the writ petitioner, the above stand of the respondents is totally contrary to their earlier stand. It is not the case of the respondents that the families affected by the acquisition of Natham land in Thangachiyampatti Village are also belonging to schedule caste. In pursuance of the directions of this Court, the fourth respondent conducted a spot inspection as early as

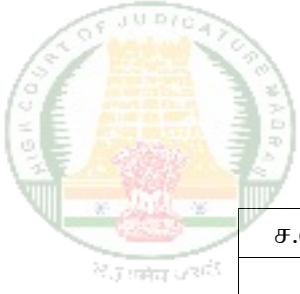


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on 16.11.2009 and submitted a letter to the third respondent that the land can be assigned to the petitioner's father and the relevant portions of the said letter are extracted hereunder for better appreciation :

“திரு.காளியப்பகவுண்டர் கிரையம் பெற்ற நிலங்கள் ச.எண்.300/2,3, 303/1சி, 303/2 ஆகியவை ஒட்டன்சத்திரம் கள்ளிமந்தயம் செல்லும் சாலையில் சுமார் 10.கிமீ. தொலைவில் மாநில நெடுஞ்சாலைக்கு கிழக்கில் அமைந்துள்ளன. இடப் பார்வையின் போது மேற்படி நிலங்களில் ஒரு பகுதியில் சோளம் பயிரிடப்பட்டிருந்தன. மனுதாரர் மேற்படி நிலங்களில் சுமார் 40 வருடங்களுக்கு முன்பு கிணறு வெட்டி ஏற்றம் மூலம் நீர் இறைத்து விவசாயம் செய்து வந்துள்ளார். பின் 5 எச்.பி மின்மோட்டார் வைத்து எஸ்.சி.எண்.59 மின் இணைப்பு பெற்று சுமார் 40 வருடங்களாக விவசாயம் செய்து வருகிறார். மேலும் அதில் ஆஸ்பெஸ்டாஸ் வீடு கட்டி குடியிருந்து வருகிறார்.

இந்த நிலங்களை மனுதாரர் கிரையம் பெற்றது முதல் அவரது அனுபவத்தில் வைத்துள்ளார். மேலும் கிரையம் பெற்றதிலிருந்து தொடர்ந்து சாகுபடி செய்து வருகிறார். இந்த நிலங்களைச் சுற்றிலும் பட்டா நிலங்கள் கீழ்க்கண்டவாறு உள்ளன.



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ச.எண்	வடக்கு	கிழக்கு	தெற்கு	மேற்கு
300/2	300/1, 301	299	300/3	303/2
300/3	300/2	299	அம்பிளிக்கை கிராம எல்லை	303/2
300/1சி	303/1பி	303/2	அம்பிளிக்கை கிராம எல்லை	304/ரோடு
300/2	302	300/2, 3	அம்பிளிக்கை கிராம எல்லை	303/சி

ஏற்கனவே, பழனி, கோட்டாட்சித்தலைவரால் நில ஒப்படை ரத்து செய்யப்பட்டு மீண்டும் பஞ்சமர் நிலமாக மாற்றியது முதல் வேறு (பஞ்சமர்) தாழ்த்தப்பட்ட வகுப்பினர் யாரும் மேற்படி நிலங்களின் பேரில் இதுவரை (உரிமை) பட்டா கோரி விண்ணப்பிக்கவில்லை. தனியர் வசம் உள்ள பஞ்சமர் நிலங்கள் குறித்து ஊராட்சி மன்றமோ/பொது மக்களோ ஆட்சேபனை தெரிவிக்கவில்லை. மேற்படி நிலங்களை தற்போதைய அரசின் விலையில் இரு மடங்கு செலுத்தி பெற்றுக் கொள்ள தனியரும் சம்மதம் தெரிவித்து வாக்குமூலம் அளித்துள்ளார். சம்பந்தப்பட்ட பஞ்சமர் நிலங்களின் பேரில் அரசைத் தவிர வேறு எவரும் உரிமை கோராததாலும், ஊராட்சிக்கோ/ அரசுக்கோ மேற்படி நிலங்கள் எதிர்காலத்தில் தேவைப்படாது என்று இடப்பார்வையில் தெரிய வருவதாலும், அரசு நிலமாக இருப்பினும் மனுதாரரே தொடர்ந்து



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பாதுகாத்து, பராமரித்து வருவதாலும், அவரது நீண்ட/நெடிய
போராட்டத்தையும், அவரது வயதையும் கவனத்தில் கொண்டு, மேற்படி
நிலங்களை தனியருக்கே 2 மடங்கு சந்தை மதிப்பை பெற்றுக் கொண்டு
வழங்கலாம் என்று பரிந்துரை செய்கிறேன்.

11. It is pertinent to note that the third respondent has also sent a letter to the second respondent, dated 20.05.2010, making a recommendation by reiterating the findings and views expressed by the fourth respondent. It is evident from the above letters/reports that the land in dispute has been in possession and enjoyment of the petitioner's father for more than 40 years (as of 2009) ; that patta was issued in his favour in the year 1985 under UDR scheme; that the petitioner's father has also dug a open well and was cultivating by using 5 HP electric motor connection. It is pertinent to note that in the above reports, they have specifically stated that there was no other rival claim over the said property.

12. As rightly contended by the learned counsel for the petitioner, the petitioner's father had fought a long legal battle against the respondents and that the petitioner's father had been approaching the



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respondents/authorities and demanding to reassign the lands in dispute from 1987 onwards. Even though, the petitioner's father had taken legal battle and obtained some orders, the respondents have not chosen to comply with those directions and made him to fight till he breathed last and made his son to continue the battle.

13. The learned Additional Advocate General has not shown any valid reason or ground to reject the recommendations made by the respondents 3 and 4, except the reason that the land in dispute are Panchamar land. Since the authorities have already decided to assign the land in dispute to the owners of the lands, which were acquired for the purpose of expansion of four way and State high way, it can easily be inferred that they have given a go by to their earlier stand that the lands are Panchamar lands and the same cannot be given to others. Since the first respondent has taken a totally contrary and inconsistent stand for rejecting the petitioner's claim, this Court has no hesitation to hold that the impugned order cannot liable to be sustained.

15. In the result, the Writ Petition is allowed and the impugned order, dated 31.07.2020 in Proc.No.F1/8401/2020 on the file of the first



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respondent is quashed. The first respondent is directed to consider the petitioner's claim in the light of the observations above made and pass orders within a period of eight weeks from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petitions are closed.

No costs.

11.06.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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To

- 1.The Commissioner of Land Revenue,
Chepauk, Chennai.
- 2.The District Revenue Officer,
Dindigul District, Dindigul.
- 3.The Revenue Divisional Officer,
Palani, Dindigul District.
- 4.The Tahsildar,
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K.MURALI SHANKAR, J

DAS

Pre-delivery order made in
W.P(MD)No.1934 of 2021
and
W.M.P(MD)Nos.1652 and 1654 of 2021

Dated : 11.06.2024