

Rev.Aplw.(MD)No.33 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.07.2026

CORAM

**THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR JUSTICE R.SAKTHIVEL**

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1. S. Parthiban S/o. Late Santhanam,
250, Uma Illam,
Old Tvs Road,
Theni.

... Petitioner(s) in REV.APLW(MD). 33/ 2012

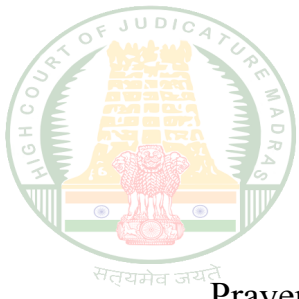
- Vs. -

1. The District Collector Theni District,
Theni.

2.The Tahsildar
Theni Taluk Theni District

3.The Revenue Inspector
Theni Taluk, Theni District

4.The Commissioner
National Commission for Scheduled Castes,
State Office, D.No.4 Block No.5 Sasthri Bhavan
Chennai 600 006.



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... Respondent(s) in REV.APLW(MD). 33/ 2012

Prayer in REV.APLW(MD). 33/ 2012 :Review Application is filed under Order 47 Rule 1 and Section 114 of the Code of Civil Procedure to review the order passed in WP(MD) No.7898 of 2012 dated 13.06.2012.

For Petitioner : M/s.D.Selvanayagam

For Respondents : Mr.S.I.Muthiah
Counsel for State

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN, J.)

Seeking re examination of the order of a Coordinate Division Bench dated 13.06.2012, in WP(MD) No.7898 of 2012, the review application had been filed. The writ petitioner is the review applicant.

2. The writ petition had been filed in the nature of Mandamus seeking a direction to the 1st respondent to consider the representation dated 17.05.2012 with respect to the lands in S.No.183/5 measuring 26 cents in Karuvelnayakanpatti, Allinagaram Village, Theni District, which had been categorized as Panchami lands. The said land had been assigned to the grandfather of the petitioner Palanivelan. It had been stated that the



grandfather and his brothers were in possession, but, subsequently, the lands had been encroached by third parties. The Division Bench had noted that the grandfather of the petitioner had executed an Othi on 19.05.1949 and the possession had passed on to several other persons. The Division Bench had stated that a charge had been created over the property and therefore, it cannot be stated that the persons, who are in occupation of the lands, are encroachers. It is to be noted that the lands once identified and demarcated as Panchami lands, should be assigned only to those who are entitled for such assignment, namely, the persons belong to SC/ST. Even if an Othi is to be created, it cannot be created in favour of other community people. The petitioner's representation was to examine that particular fact.

3. In view of this reason, even though occupiers may have come into possession on the basis of the Othi, the Government is duty bound to ensure that possession is retained only by those who are entitled to be in possession of Panchami lands and by none else. In view of that particular reason, the order in WP(MD) No.7898 of 2012 is recalled. A direction is issued to the first respondent District Collector, Theni to re-examine the entire issue with respect to the lands in S.No.183/5 measuring 26 cents in



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Karuvelnayakanpatti, Allinagaram Village, Theni District, which had been classified as Panchami lands. The petitioner may give a fresh representation within a period of four weeks from today and if such a representation is given, appropriate orders should be passed by the first respondent/District Collector within a reasonable period of time.

4. The Review Application stands disposed of. No costs.

(C.V.K.,J.) (R.S.V,J.)
14.07.2026

Index : Yes/No
Internet : Yes/No

RR

To

1. The District Collector Theni District,
Theni.

2.The Tahsildar

Theni Taluk Theni District

3.The Revenue Inspector

Theni Taluk, Theni District



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