

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 43964 of 2016

and

W.M.P No.37789 of 2016

D. Sugavanam

..Petitioner

Vs.

1. The Secretary to Government
Revenue Department
State of Tamilnadu
Chennai - 600 009.

2. The District Collector
Salem District
Salem.

3. The Revenue Divisional Officer
Salem Division
Salem.

4. Thiru M. Vijay M.Tech.,
Revenue Divisional Officer
Salem.

5. The Tahsildar
Vazhapadi
Salem District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the 3rd respondent's proceedings in Na.Ka. No.4795/2016/A3 dated 09.11.2016 by confirming the 5th respondent's proceedings in Mu.Mu.1238/2010 (B1) dated 17.07.2012 and quash the same and direct the respondents to remove the Adi Dravida condition in the Revenue Accounts for the land comprised in Survey No.82/2 over an extent of 0.45.0 hectares in Kariapatti Village, Vazhapadi Taluk, Salem District within the stipulated time as

directed by this Court and pass further orders.

For Petitioner : Mr. M. Muthappan

For Respondents : Mr. R. Rajeswaran, Spl.G.P
R1 to R3 & R5

O R D E R

Heard Mr.M. Muthappan, learned counsel for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader for the respondents.

2. By consent, the writ petition itself is taken up for final hearing, in view of the limited prayer.

3. The petitioner has come up with the present writ petition praying to quash the proceedings of the 3rd respondent issued in Na.Ka. No.4795/2016/A3 dated 09.11.2016, confirming the proceedings of the 5th respondent in Mu.Mu.1238/2010 (B1) dated 17.07.2012 and direct the respondents to remove the Adi Dravida condition in the Revenue Accounts for the land comprised in Survey No.82/2 over an extent of 0.45.0 hectares in Kariapatti Village, Vazhapadi Taluk, Salem District within a stipulated time.

4. Learned counsel for the petitioner submitted that the petitioner purchased the subject matter property from her brother by registered sale deed dated 05.10.1989 and the patta also transferred in her name. At the time of original purchase, through court auction and till 2011, there was no endorsement that the land is conditional assignment for Adi Dravidar. Thereafter, there is an endorsement of Adi Dravida condition. Learned counsel submitted that the said condition endorsement could be made only if the land is assigned by the Government to the schedule caste community people and not to private patta land. Further it is submitted that though the petitioner is from schedule caste community, the said endorsement would be an embargo for selling the land to other community people and hence submitted a representation to the respondents, to remove such entry from the Adangal extract. The petitioner repeatedly made representations in person and by post. Finally, pursuant to the orders of this Court, enquiry was conducted and the 3rd respondent, Revenue Divisional Officer passed an order directing the Tahsildar to resume the land to the Government on the ground that the petitioner has not cultivated the land and has kept the land as tharisu. Aggrieved by the said order, the petitioner has filed the present Writ Petition.

5. Learned Special Government Pleader submitted that there is an alternative remedy available for the petitioner to file an appeal before the District Revenue Officer, against the order passed by the 3rd respondent, Revenue Divisional Officer.

6. As rightly pointed out by the learned Special Government Pleader, the petitioner can avail the appeal remedy before the District Revenue Officer, against the order passed by the Revenue Divisional Officer. Therefore, prima facie no case is made out to entertain this Writ Petition.

7. Therefore, the Writ petition fails and the same is dismissed. However, liberty is granted to the petitioner to approach the District Revenue Officer, within a period of two weeks from the date of receipt of a copy of this order. Till such time, the Revenue authorities shall not take any coercive steps against the petitioner. Consequently, the connected M.P is closed. No costs. Registry is directed to return the original impugned order to the petitioner, after obtaining a copy of the order to be placed in the typeset of papers.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

avr
To

1. The Secretary to Government
Revenue Department
State of Tamilnadu
Chennai - 600 009.

2. The District Collector
Salem District
Salem.

3. The Revenue Divisional Officer
Salem Division
Salem.

4. The Tahsildar
Vazhapadi
Salem District.

+1cc to Mr.Muthappan, Advocate sr.74914
+1cc to Government Pleader sr.76298

mg(co)
ss(30/01/2017)

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