

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.4090 of 2017

V.Ramasamy

... Petitioner

vs.

1. The District Collector,
Salem District, Salem.
 2. The Revenue Divisional Officer,
Salem, Salem District.
 3. The Tahsildar,
Salem South,
Salem, Salem District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, calling for the entire records relating to the impugned order passed by the 3rd respondent in her Proceedings Na.Ka.1929/2015/B3, dated 03.01.2017 and quash the same and consequently direct the respondents to delete the A.D. condition from the revenue records insofar as it relates to land situated in S.No.50/2, Seelanaickenpatti Village, Salem District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

The petitioner has come up with this Writ Petition seeking to quash the the impugned order dated 03.01.2017 passed by the 3rd respondent and for a consequential direction to the respondents to delete the A.D. condition from the revenue records insofar as it relates to land situated in S.No.50/2, Seelanaickenpatti Village, Salem District.

2. According to the petitioner, he hails from a Scheduled Caste Community. In the year 1941, his mother Tmt. Karuppayee purchased a land to an extent of 17 cents situated in S.No.50/2,

Seelanaickenpatti Village, Salem District from one Palani Padayatchi under a valid sale deed and subsequently, his mother sold the same to one Sendraya Chettiar on 20.01.1949 and in turn, the latter sold the same to other persons. Thereafter, on 01.09.1963, the petitioner's mother purchased the same land from one Arthanari Chettiar.

3. The grievance of the petitioner is that the revenue officials have mistakenly made an entry in the revenue records as if the abovesaid land is A.D. condition land, when there is no such land in his Village. Pointing out his difficulty in selling the said land to any third party, the petitioner made several representations to the respondents and finally, he made a representation on 06.01.2014 seeking to delete the A.D. condition from the revenue records insofar as it relates to the subject land.

4. Since no order was passed on his representation, the petitioner filed W.P.No.8046 of 2014 seeking a direction to the respondents to delete the A.D. condition from the revenue records in respect of the subject land, by disposing of his representation dated 06.01.2014. This Court, by an order dated 20.01.2015, disposed of the said Writ Petition, holding as under:

"5. Accordingly, there will be a direction to the third respondent to consider the petitioner's representation dated 06.01.2014 and issue a notice to him affording an opportunity of personal hearing and the petitioner on the date fixed by the third respondent shall appear in person and produce all the documents and if the third respondent is satisfied that the petitioner's mother had purchased the property from third parties, who are caste Hindus and there is no record to establish that the land was assigned by the Government under Adi Dravida Welfare Scheme, then necessary entries shall be made in accordance with law in the revenue records."

5. Pursuant to the said order, the 2nd respondent directed the 3rd respondent to pass orders on the petitioner's representation after conducting enquiry and accordingly, the 3rd respondent conducted an enquiry on 26.03.2015. Though the petitioner produced all the records during the enquiry, the 3rd respondent did not pass any orders. Hence, the petitioner was constrained to make a representation dated 20.09.2016 to the 3rd respondent, who, vide order dated 03.01.2017, rejected the petitioner's request for removal of the A.D. condition from the revenue records in respect of the subject property. Aggrieved by the said rejection order, the petitioner is once again before this Court by way of the present Writ Petition.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. This Court is of the view that as against the impugned order, an appeal would lie to the District Collector/District Revenue Officer. As the AD condition has only been rejected to be removed, the petitioner can specifically make an appeal before the said authority.

8. In such view of the matter, the Writ Petition stands dismissed, however, with liberty to the petitioner to approach the concerned authority/District Revenue Officer by way of an appeal against the impugned order within a period of ten days from the date of receipt of a copy of this order and when such an application is filed by the petitioner, the authority concerned will pass appropriate orders and on merits in accordance with law, after giving an opportunity of hearing to the petitioner, as expeditiously as possible.

No costs. Consequently, connected W.M.P.Nos.4238 and 4239 of 2017 are closed.

aeb

Sd/-

Assistant Registrar (J)

/TRUE COPY/

Sub-Assistant Registrar

To:

1. The District Collector,
Salem District, Salem.
2. The Revenue Divisional Officer,
Salem, Salem District.
3. The Tahsildar,
Salem South,
Salem, Salem District.
4. THE DISTRICT REVENUE OFFICER,
SALEM.

+1 CC to Mr.C.PRAKASAM Advocate SR.NO.10913

Order in

W.P.No.4090 of 2017

SK[CO]

MK:08/03/2017