

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.12.2017
CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.290 of 2015

R.Mayandi

... Appellant

Vs.

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai.

3.The Tahsildar
Tiruvannamalai Taluk & District.

4.A.Suganthi
5.P.Arun Raj

... Respondents

Prayer:

Writ appeal filed under Clause 15 of Letters Patent praying to set aside the order passed in W.P.No.6879 of 2014 dated 07.03.2014 and the respondents to consider the petitioner's representation dated 26.12.2013 on the file of the 2nd and 3rd respondents which was given for resumption and restoration of possession.

For Appellant

: Mr.M.A.R.Pragash

For Respondent Nos.1 to 3: Mr.V.Anandhamurthy

Additional Government Pleader

For Respondent Nos.4 & 5: No Appearance

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The appellant submitted a representation to the District Collector to cancel the patta in respect of the land in S.No.156/2 corresponding to new S.No.156/6 having an extent of 0.58.50 hectares situated at Kalasthumbadi Revenue Village, Thiruvannamalai District. The appellant in his representation alleged that the property belonged to his father Rajakannu was

sold by two of his legal heirs without his consent.

2. According to the appellant, the sale of the land in favour of a person from another community is invalid as it was a Panjami land. Since action was not taken by the District Collector pursuant to the representation, the appellant filed a writ petition in W.P.No.6879 of 2014. The writ petition was dismissed by the learned Single Judge with a finding that the matter is civil in nature. The order is under challenge before us.

3. The learned counsel for the appellant contended that being a Panjami land, belonging to several persons, two of the legal representatives of the original land owner were not entitled to effect transfer and that too to a member from a different community. According to the learned counsel, being a Panjami land, the District Collector is bound to take action for transfer of assignment and mutation of Revenue records.

4. We have also heard the learned Additional Government Pleader on behalf of the respondents 1 to 3.

5. The materials available on record indicates that the land in question was transferred to the fourth respondent on the basis of a decree in O.S.No.105 of 2011. Though the name of the Court is not mentioned in the counter affidavit, the fact remains that the matter is purely civil in nature. It is always open to the appellant to challenge the sale in favour of third parties made by some of the legal heirs of the original owner.

6. We therefore do not find any reason to interfere in the order passed by the learned Single Judge. However, we make it clear that this judgment would not stand in the way of the appellant from taking appropriate proceedings in accordance with law.

7. In the upshot, we dismiss the intra court appeal. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai.

3.The Tahsildar
Tiruvannamalai Taluk & District.

+1 cc to the Govt Pleader sr 87694

W.A.No.290 of 2015

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