

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.28237 of 2018

Shakthivel

.. Petitioner

Vs.

- 1.The Government of Tamil Nadu
rep by the Secretary to the Government
SC & ST Social Welfare Department,
Secretariat,
Fort St.George, Chennai - 600 009.
- 2.The Special Commissioner and Land Commissioner,
Chepauk, Chennai - 600 005.
- 3.The District Collector,
O/o The District Collector,
Krishnagiri District, Krishnagiri.
- 4.The Tahsildar,
Denkanikottai,
Krishnagiri District, Krishnagiri.
- 5.K.B.Hadi Basha
- 6.Arief H.B.
- 7.B.V.Sreekantha
- 8.M.Dodde Gowdu
- 9.Ravi Prasad

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 to 4 to restore the lands situated at Kunthumaranpalli Village, Denkanikottai Taluk, Krishnagiri District comprised in Survey Nos.105, 106, 113 and other lands in Kunthumaranpalli Village, Denkanikottai Taluk, Krishnagiri District allotted for the benefit of Schedule Caste Community

and Depressed Community by taking necessary action against the illegal occupation of the other community.

For Petitioner : Ms.N.Sivaranjani
for Dr.S.Manoharan

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1 to R4)

Mr.Vijayakumar (R5 & R6)
Mr.G.M.Anandha Kumar (R7 & R9)
R8 - no appearance

O R D E R

(ORDER OF THE COURT MADE BY THE HON'BLE CHIEF JUSTICE
AND M.DURAISWAMY, J.)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of mandamus directing the respondents 1 to 4 to restore the lands situated at Kunthumaranpalli Village, Denkanikottai Taluk, Krishnagiri District comprised in Survey Nos.105, 106, 113 and other lands in Kunthumaranpalli Village, Denkanikottai Taluk, Krishnagiri District allotted for the benefit of Schedule Caste Community and Depressed Community by taking necessary action against the illegal occupation of the other community.

2.It is the case of the petitioner that the 1st respondent specifically allotted the lands in Survey Nos.105, 106, 113 and other lands in Kunthumaranpalli Village, Denkanikottai Taluk, Krishnagiri District for the specific usage of the Schedule Caste people belonging to the locality and the 1st respondent, on certain conditions, granted the land to the people belonging to the particular community inter alia a condition that the land should not be sold to other community people. Further, the petitioner contended that the said Survey Numbers were allotted to the Schedule Caste people and earmarked as "A.D. Condition" which means Adi Dravidar Conditional lands. As per the Revenue Standing Order, the lands which are allotted to the Schedule Caste community on condition assignments should not be alienated by any other person. In case of any alienation in violation of the conditions, the Government has power to cancel the assignment and restore the land. According to the petitioner, his land was encroached by other community people.

3.The 4th respondent filed his counter wherein it has been stated that under the Official proceedings of the District Revenue Officer, Krishnagiri dated 21.03.2012, the mistake of entry of AD Condition land was rectified and the classification

of the AD condition land was changed by the District Revenue Office, Krishnagiri. Further, it has been stated that before the Updating Registry Scheme (UDR Scheme), the Survey Nos.105, 106, 113 of Kunthumaranpalli Village, Denkanikottai Taluk were not AD conditional land and only after UDR Scheme, the said lands were mistakenly and by oversight mentioned as AD condition land in the Revenue Records by the then Revenue Officials. Only after Fasli year 1400, the lands were mentioned as AD conditional land, which was rectified by order dated 21.03.2012 by the District Revenue Officer, Krishnagiri. Further, in the counter it has been stated that, since 1961 to 2008, so many people belonging to different community and caste sold and purchased the properties in the said Survey Numbers and their names were properly carried out in the Revenue Registers and they were granted patta by the Revenue Department at various points of time.

4.Since the 4th respondent has specifically stated that the lands in Survey Nos.105, 106, 113 of Kunthumaranpalli Village, Denkanikottai Taluk, Krishnagiri District are not AD Condition lands and the mistake that crept in after UDR Scheme, before Fasli year 1400, was also rectified by the District Revenue Officer, Krishnagiri on 21.03.2012, the lands in the said Survey Numbers cannot be construed as AD Condition lands. Therefore, the prayer sought for in the Writ Petition cannot be granted.

5.In such view of the matter, we do not find any merits in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to the Government,
SC & ST Social Welfare Department,
Secretariat,
Fort St.George, Chennai - 600 009.

2.The Special Commissioner and Land Commissioner,
Chepauk, Chennai - 600 005.

3.The District Collector,
O/o The District Collector,
Krishnagiri District, Krishnagiri.

4.The Tahsildar,
Denkanikottai,
Krishnagiri District, Krishnagiri.

+lcc to Dr.S.Manoharan, Advocate, S.R.No. 17448
+lcc to Mr. M.Vijaya Kumar, Advocate, S.R.No. 16894
+lcc to Mr.G.M.Anantha Kumar, Advocate, S.R.No. 17518
+lcc to the Government Pleader, S.R.No. 17298

W.P.No.28237 of 2018

GJ II(CO)
GN(20/03/2019)



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