



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.13243 of 2012 and
MP.No.1 of 2012

M.Krishnan

...Petitioner

Vs

1. The District Collector,
Namakkal District,
Namakkal
2. The Revenue Divisional Officer,
Tiruchengode Revenue Division,
Tiruchengode, Namakkal District
3. The Tahsildar,
Tiruchengode Taluk Office,
Tiruchengode, Namakkal district
4. The Deputy Superintendent of Police,
Tiruchengode Division,
Tiruchengode, Namakkal District
5. The Inspector of Police,
Tiruchengode Rural Police Station,
Tiruchengode, Namakkal District

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents 1 to 3 from cancelling the patta of the petitioner in respect of property being Grama Natham House sites and structure thereon, situated at No.47, Kosavampalayam Village, Kumaramangalam Post, Tiruchengode Taluk, Namakkal District, comprised in Old Survey No.19/2(part), present Survey No.255/7, measuring extent of 100 sq. mtrs., bearing Patta No.798 and in Old survey No.19/2(part), present survey no.256/1, measuring extent of 57 sq. mtrs. bearing Patta No.138, totally measuring extent of 157 sq. mtrs. without due process of law.
(Prayer amended as per order dated 12.06.2012 by MP.No.2 of 2012 in WP.No.13243 of 2012)



For Petitioner : Mr.R.Munuswamy
For Respondents : Mr.Richardson Wilson,
Government Advocate

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ORDER

This Writ Petition is filed to issue a writ of mandamus forbearing the respondents 1 to 3 from cancelling the patta of the petitioner in respect of property being Grama Natham House sites and structure thereon, situated at No.47, Kosavampalayam Village, Kumaramangalam Post, Tiruchengode Taluk, Namakkal District, comprised in Old Survey No.19/2(part), present Survey No.255/7, measuring extent of 100 sq. mtrs., bearing Patta No.798 and in Old survey No.19/2(part), present survey no.256/1, measuring extent of 57 sq. mtrs. bearing Patta No.138, totally measuring extent of 157 sq. mtrs. without due process of law.

2. According to the petitioner, the petitioner purchased agricultural land to an extent of 1.23 acres comprised in survey no.11/1(part) by the registered sale deed dated 19.11.1983 vide document No.2849 of 1983. Since the date of purchase, the petitioner is in possession and enjoyment of the said property. Further averred that the subject property which is classified as grama natham also is in possession and enjoyment of the petitioner comprised in survey no.19/2(part) present survey no.255/7 measuring extent of 100 sq.meters bearing patta No.798 and in old survey No.19/2(part), present survey no.256/1 admeasuring 57 sq. meters bearing patta No.138 totally admeasuring 157 sq. meters. While being so, the respondents 1 to 3 attempted to illegally evict the petitioner from the subject property.

3. The second respondent filed counter and stated that the property comprised in survey No.19/2 is a Government pooramboke and classified as Arunthathiar Grama Natham as per revenue records. The land was intended only to Arunthathiar community people to reside in this and also earmarked as Arunthathiar natham. No other backward class community people can claim rights in this property. Admittedly, the petitioner belongs to the other community i.e. Konguvellalar community and encroached the portion of the land comprised in survey no.19/2 which is classified as Arunthathiar grama natham on the northern side of the field by constructing a compound wall and to round of his agricultural patta land comprised in survey No.11/1 admeasuring 1.23 acres. Therefore, on the petition received by the SC community people who are residing in the residential grama natham property, the second respondent initiated proceedings and the enquiry is now pending to cancel the patta issued in favour of the petitioner herein.



4. Admittedly, the land comprised in survey no.19/2 admeasuring 2.08 acres is a Government pooramboke and classified as residential grama natham. The petitioner belongs to Konguvellalar community and he purchased the adjacent agricultural land comprised in survey No.11/1 admeasuring 1.23 acres and also obtained patta. In pursuant to the purchase of the said land, he also obtained patta for the subject property comprised in survey No.19/2, which is classified as residential grama natham. Therefore, it is meant for SC people and other community people are not permitted to be granted any patta and if any encroachment is made by other community people, they should be evicted with immediate effect for safeguarding SC people. Therefore, the second respondent initiated proceedings to cancel the patta issued in favour of the petitioner, and it is pending. However, the petitioner should not be dispossessed without due process of law.

5. Therefore, the second respondent is directed to proceed with the enquiry and pass orders on merits and in accordance with law after giving opportunity of hearing to the petitioner and the counter parties, within a period of twelve weeks from the date of receipt of copy of this order. Till the disposal of the proceedings initiated as against the petitioner, the petitioner should not be evicted from the possession and enjoyment of the subject property comprised in survey no.19/2 (part) present survey no.255/7 measuring extent of 100 sq.meters bearing patta No.798 and in old survey No.19/2(part), present survey no.256/1 admeasuring 57 sq. meters bearing patta No.138 totally admeasuring 157 sq. meters

6. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Namakkal District,
Namakkal



2. The Revenue Divisional Officer,
Tiruchengode Revenue Division,
Tiruchengode, Namakkal District

3. The Tahsildar,
Tiruchengode Taluk Office,
Tiruchengode, Namakkal district

4. The Deputy Superintendent of Police,
Tiruchengode Division,
Tiruchengode, Namakkal District

5. The Inspector of Police,
Tiruchengode Rural Police Station,
Tiruchengode, Namakkal District

+1 CC to Mr.R.Munuswamy, Advocate, Sr.No. 37973.

+1 CC to The Government Pleader, Sr.No. 38092.

WP.No.13243 of 2012

PCH(CO)
LS(31/08/2021)