



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.No.3019 of 2018

E. Venkatesan

... Petitioner

Vs

1 The District Collector, Vellore District

2 The District Revenue officer
Office of Collectorate, Vellore

3 The Revenue Divisional officer, Vellore 9

4 The Tahsildar
Gudiyatham, Vellore District

5 The Merit Educational Trust
No.26/66 Madharsha-E-Islamila Road Post
Box no.24
Pernampet Vellore.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorarified Mandamus calling for records relating to the impugned order issued by the 2nd respondent in Ni.Mu. D3/ 2451/2015 dated 01.07.2015 and quash the same and consequently direct the respondents 1 to 4 to redeem the land in S.No.766 of Kondapalli village Pernampet Firka to an extent of 5.42.5 Hectare of land from respondent 5 and re-assign the same to the poor Adidravida people of Kondapalli Village.

For Petitioner : Mr.S.Arokia Maniraj

For Respondents : Mr.C.Harsharaj,
Counsel for State,
for respondents 1 to 4

Mr.Krishna Ravindran,
for 5th respondent



ORDER
(made by the Hon'ble Chief Justice)

The case of the petitioner is that the land in question at S.No.766 of Kondapalli Village, Pernampet Firka belongs to the Adi Dravida community and should be allotted only to members of such community from the Kondapalli Village.

2. The official respondents submit that from 1929, the revenue records are clear and do not indicate that the relevant land was owned or any patta in respect thereof granted in favour of any member of Adi Dravida community. According to the counter-affidavit filed by the second respondent District Revenue Officer, in the old "A" register of Pernampet Village, Gudiyatham Taluk, the land in S.No.766 to an extent of 13.40 cent has been classified as grazing waste land. As per the records, a patta bearing No.352 was issued in favour of one Ramarao, S/o Subba Rao of Yeari Kuthi Village. The further records show that by a sale deed No.931/1936, Ramarao sold the land to Kendiyappa Goud S/o Chennappa Goud of Yeari Kuthi Village; and, after the death of Kendiyappa Goud, the patta was transferred in the name of his son Venkatesa Goud as per VTR 891/28 dated May 30, 1969.

3. The fifth respondent herein claims to have purchased seven acre of land in terms of a document bearing No.794/2007 dated May 22, 2007. The official respondents have also indicated that a land measuring approximately 2.58 hectare in S.No.766/1 has been sub-divided in the names of Venkatesan, S/o Kendiyappa Goud in patta No.996 and another 2.84 hectare of land in S.No.766/2 has been sub-divided in the name of M.Jahir Ahmed of Merit Educational Trust in patta No.1719.

4. It is evident from the detailed description of the records that the fifth respondent traces its rights to Venkatesa Goud, who, in turn, inherited the land from his father, and such father from the father's father.

5. Once such is found to be the position, the fact that the land around the subject survey plot is owned by or allotted to Adi Dravidars may make no difference to the status of the subject-land or the persons entitled thereto.

6. The petition was filed in public interest upon some construction activity being undertaken at the subject-land by the fifth respondent trust.

7. Since it is now discovered that the fifth respondent may have validly acquired the property and no surreptitious transfer of Adi Dravida land was involved or, indeed, the relevant land



ever shown in the revenue records as Adi Dravida land, the entire claim of the petitioner appears to be without basis.

8. W.P.No.3019 of 2018 is dismissed. W.M.P.Nos.3694 and 3693 of 2018 are closed. There will be no order as to costs.

Sd/-

Assistant Registrar(CCC)

Dt 05/08/2021

//True Copy//

Sub Assistant Registrar

To:

- 1 The District Collector
Vellore District
- 2 The District Revenue officer
Office of Collectorate Vellore
- 3 The Revenue Divisional officer
Vellore 9
- 4 The Tahsildar
Gudiyatham
Vellore District

+1cc to Mr.Krishna Ravindran, Advocate, S.R.No.38709

+1cc to the Government Pleader, S.R.No.38786

W.P.No.3019 of 2018

PVS(CO)

HS(10/08/2021)