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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5967 of 2019

and

W.M.P.Nos.6791 & 6796 of 2019

K.Amaravel

...Petitioner

Vs

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Harur,
Dharmapuri District.

3.The Tahsildar,
Harur Taluk,
Dharmapuri District.

4.The Zonal Deputy Tahsildar,
Harur Taluk,
Dharmapuri District.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus, call for the entire records connected with the impugned order of rejection of Patta dated 30.08.2018 made by the fourth respondent in Application ID2018/0103/05/059394 for the petitioner's agriculture land to an extent of 1.76.5 hectare in survey No.10/1, Kodrapatti Village, Harur Taluk, Dharmapuri District and quash the same consequently direct the respondents to provide/transfer the patta in the name of the petitioner for the said land.

For Petitioner : Ms.Muthu Yazhini
for Mr.K.Thilageswaran

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader



ORDER

This Writ Petition has been filed for issuance of Writ of certiorarified mandamus, calling for the records connected with the impugned order of rejection of Patta dated 30.08.2018 made by the fourth respondent in Application ID2018/0103/05/059394 for the petitioner's agriculture land to an extent of 1.76.5 hectare in survey No.10/1 situated at Kodrapatti Village, Harur Taluk, Dharmapuri District; quash the same and consequently direct the respondents to provide/transfer the patta in the name of the petitioner for the said land.

2. Heard, Ms.Muthu Yazhini, learned counsel appearing for the petitioner and Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner purchased the property to an extent of 1.76.5 hectare comprised in survey No.10/1 situated at Kodrapatti Village, Harur Taluk, Dharmapuri District, by a registered sale deed dated 31.01.2018 from one J.Manthiri, registered vide document No.441 of 2012. In pursuant to the sale, the petitioner applied for transfer of patta in favour of his name. Thereafter, an enquiry was conducted on 28.09.2018 with regard to the complaint lodged by one P.V.Kariyamal on the allegation that the condition land given to Adi Dravidar people had been sold by creating forged documents. The petitioner also belonged to Schedule Caste Community and his vendor also belonged to Schedule Caste Community. Thereafter, an application filed by the petitioner was rejected by the order impugned in this writ petition dated 30.08.2018 for the reason that the land is classified as 'Panchami Land'.

4. The learned counsel for the petitioner would submit that after verification of the Encumbrance Certificate issued by the Registration Department the petitioner purchased the subject land for a valuable consideration. In fact, the petitioner and his vendor themselves belong to Schedule Caste Community and as such, there is absolutely no violation on the condition while assigning the subject land.

5. The third respondent filed a counter which reveals that on the complaint lodged by one Kariyamal, an enquiry was conducted on 28.09.2018 on the allegation that the condition land given to Adi Dravidar people had been sold out to various persons by creating forged documents. The said Kariyamal also filed writ petition in W.P.No.20237 of 2009 with a prayer to re-claim the depressed class lands assigned to Dalits from those who were illegally occupying and enjoying such lands and restore them to the respective assignees or their legal heirs in respect of the land situated at Harur and Pappireddipatti Taluks of Dharmapuri District. As directed by this Court, the Revenue Divisional Officer, Harur, by a report dated



14.07.2015, informed to this Court that out of 111 cases in Harur Taluk 87 cases have been identified as breach of conditions and they have been cancelled in respect of Pappireddipatty Taluk, out of 234 cases 196 cases have been identified as breach of conditions and they have been cancelled. In respect of the subject land purchased by the petitioner is concerned to an extent of 1.76.5 hectares comprised in survey No.10/1 situated at Kodrapatti Village was already treated as Adi Dravidar conditioned by cancelling the assignment as per the order No.5528 of 2012, dated 23.02.2013 on the file of the second respondent herein. Thereafter, the officers changes were made in the year itself.

6. In fact, after knowing these facts, the petitioner has purchased the subject land. As per the existing records, it is classified as Government Land and as such, the request of the petitioner was rightly rejected. The subject land was originally assigned to the depressed class people belonged to Schedule Caste. They violated the condition and violation of rules and regulations and sold out the property. Though the petitioner is a bonafide purchaser, the assignment of land was already cancelled by an order dated 23.02.2013 itself. Whereas, the petitioner had purchased the property only on 31.01.2018. Therefore, this Court finds no infirmity or illegality in the order passed by the fourth respondent. Hence, the writ petition is devoid of merits.

7. In the result, the writ petition stands dismissed. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Lpp

To

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2.The Revenue Divisional Officer,
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Dharmapuri District.

3.The Tahsildar,
Harur Taluk,
Dharmapuri District.



4.The Zonal Deputy Tahsildar,
Harur Taluk,
Dharmapuri District.

+1cc to Government Pleader SR. No.67488

+1cc to Mr.K.Thilageswaran, Advocate SR. No.66793

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and

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UM (CO)

PR (31/01/2022)