

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5330 of 2019

E.Murugan

... Petitioner

vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The District Revenue Officer,
Villupuram District.
3. The Tahsildar,
Gingee Taluk,
Villupuram District.
4. The Revenue Inspector,
Gingee Taluk,
Villupuram District.
5. The Divisional Inspector,
Gingee Taluk,
Villupuram District.
6. The Village Administrative Officer,
Narasingarayanpettai Village,
Gingee Taluk,
Villupuram District.
7. The Block Development Officer (Scheme),
Gingee Block,
Gingee Town,
Villupuram District.
8. Govindammal
9. Ponnammal
10. Marriyammal
11. Anjalai
12. Kasthuri
13. Malar
14. Alamelu

15. Malar
16. Devi
17. Jaipunaneeshapi
18. Kanniyammal
19. Alli
20. Sagunthala
21. Pachayammal
22. Kala
23. Kuppu
24. Mariyammal
25. Sarasu
26. Pachaiyammal
27. Veena
28. Balanagammal
29. Pavalakodi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the 3rd Respondent herein relating to his impugned order in V.M.No.03/1428, dated Nil.10.2018 signed on 20.10.2018 and records of the 1st Respondent herein relating to his impugned order in Na.Ka.AA7/10298/2018, dated 27.11.2018 and quash the same and consequentially direct the 1st and 3rd Respondents to keep the Survey Nos.81/1 to 81/27 except the lands in S.Nos.81/5 and 22 as Pattai Poramboke, as it existed prior to the said impugned orders, situated at Narasingarayanpettai Village, Gingee Taluk, Villupuram District.

For Petitioner : Mr.A.Sivaji

For Respondents 1 to 7 : Mr.U.Baranidharan,
Addl. Government Pleader

For Respondents 8 to 29: Mrs.Selvi George

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the impugned order passed by the 3rd Respondent in V.M.No.03/1428, dated Nil.10.2018 signed on 20.10.2018 and the impugned order passed by the 1st Respondent herein in Na.Ka.AA7/10298/2018, dated 27.11.2018 and for a consequential direction to the 1st and 3rd Respondents to keep Survey Nos.81/1 to 81/27 except the lands in S.Nos.81/5 and 22 as Pattai Poramboke, as it existed prior to the said impugned orders, situated at Narasingarayanpettai Village, Gingee Taluk, Villupuram District.

2. According to the Petitioner, the land bearing Survey No.77 to an extent of 1.60 acres having a Well with diesel

engine situated at Narasingarayanpettai Village, Gingee Taluk, Villupuram District is his ancestral property and that, he has got a share in it. The land bearing Survey No.81 is Patthai poramboke measuring an extent of 1.82.5 hectares and it is a cart-track meant for the agriculturists to reach the nearby lands. The 3rd Respondent/Tahsildar vide proceedings in V.M.No.03/1428 signed on 20.10.2018, assigned the said Survey No.81 to 22 individuals, who are arrayed as Respondents 8 to 29 herein. Based on the said order of assignment, the 1st Respondent/District Collector, Villupuram vide proceedings in Na.Ka.AA7/10298/2018, dated 27.11.2018, changed the classification of the land in S.No.81 from Pathai poramboke to Natham. Thereafter, Survey No.81 was sub-divided into 81/1 and 81/3.

3. It is stated by the Petitioner that, the classification of the land in Survey No.81 was changed by the 1st Respondent without considering the surrounding agricultural lands and the adjoining lands in Survey Nos.77,78,79. Thereafter, the 3rd Respondent assigned house site pattas in the names of private Respondents in Survey No.81 by sub-dividing the same into S.No.81/4. As the land adjoining the land in Survey No.80/1A is Ettanthangal lake, during rainy season, surplus water flows through the land in Survey No.81. Hence, according to the Petitioner, the said land is not suitable for constructing house sites.

4. The further case of the Petitioner is that, from his land in Survey No.77, he has to reach the road through the land in Survey No.81 and that, if private Respondents construct buildings in Survey No.81, he cannot reach his agricultural land and that, there is no other alternative pathway to reach his land from the main road. Hence, having no other alternative, the Petitioner has come up with this Writ Petition with the above relief.

5. Learned counsel for the Petitioner contended that, before ordering conversion of the character of the land in question, the concerned Authority is bound to follow the procedure and hear the affected poor Agriculturists. He pointed out that, the land in Survey No.81 is a pathway for agriculturists and that, Survey No.80/1A is a Lake. Hence, according to the learned counsel, there is no necessity to classify the poramboke path as Natham land and assign the same in favour of private Respondents herein. Learned counsel prayed that, this Court may issue a direction to the Authorities to provide an alternative pathway to the Petitioner to enable him to reach his land.

6. On the other hand, learned Additional Government Pleader appearing for Respondents 1 to 7, with reference to the

counter Affidavit filed by the 7th Respondent submitted that, there was a long pending issue for providing house sites to Irular community people. The Village Administrative Officer, Gingee and the Revenue Inspector, Gingee were advised by the 3rd Respondent/Tahsildar to identify poramboke lands in Survey Nos.81/1, 81/4, 81/3 and 81/5 situated at Narasingarayanpettai and send their Report to provide house sites to Irular community people. Accordingly, it was reported that, Village Administrative Officer had conducted enquiry and submitted a Report that, there is no Well, water body, heritage monuments, high power grade high-tension line and the proposed land has not been kept for any public purpose and he recommended that, the land comprised in S.Nos.81/4 and 81/5 to an extent of 704 sq.m. and 1600 sq.m., respectively, is only a Natham poramboke land and it could be provided to people belonging to Irular community.

7. It is further stated by the learned Additional Government Pleader that, similarly, Revenue Inspector also submitted his Report with recommendation dated 28.03.2018. After scrutiny of the said Reports, the 3rd Respondent/Tahsildar, Gingee Taluk submitted his Report dated 29.03.2008 with recommendation to the 1st Respondent through Sub-Collector, Tindivanam. Taking into account the various correspondence made by the Tahsildar, Gingee, the 1st Respondent vide letter 27.11.2018 forwarded a communication to the Tahsildar, Gingee to modify the land into Natham from that of poramboke in S.No.81/1. He further submitted that, the Petitioner, at the time of enquiry, did not raise any objection and that, there is about 10 feet pathway available in S.No.81 to gain access to the Petitioner's land and other lands and that, there is no complaint from nearby land owners.

8. Learned counsel appearing for Respondents 8 to 29 reiterated the submissions of the learned Additional Government Pleader appearing for Respondents 1 to 7.

9. Admittedly, the land in Survey No.81 was re-classified as Survey Nos.81/1 and 81/3 and house-site pattas were granted in favour of private Respondents. This Court perused the Sketch produced by the Revenue Tahsildar, Gingee vide communication dated 18.11.2021. It is seen that, the Petitioner's land is situated in Survey No.77 and that, there is a 14 feet land in S.No.81/1 to gain access to the Petitioner's land and that, house site pattas in S.No.81/1, each measuring an extent of 00080 sq.m. were allotted to nine persons belonging to Irular community, and the same is not a hindrance to the Petitioner. Hence, it is clear that, the grievance expressed by the Petitioner is not genuine. However, Revenue Officials are directed to ensure that, 14 feet land in Survey No.81/1 is available to enable the Petitioner to gain access to his land.

The Writ Petition is dismissed with the above direction.
No costs. Consequently, connected W.M.P.Nos.6051, 6053 and 6057
of 2019 and W.M.P.Nos.34857 and 36707 of 2019 are closed.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

(aeb)

To:

1. The District Collector,
Villupuram District,
Villupuram.
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3. The Tahsildar,
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Gingee Taluk,
Villupuram District.
7. The Block Development Officer (Scheme),
Gingee Block,
Gingee Town,
Villupuram District.

+1cc to Mr.A.Sivaji, Advocate SR.No.59667

+1cc to Mr.R.Govindasamy, Advocate SR.No.59909

W.P.No.5330 of 2019

MT(CO)
GMY(21/03/2022)