



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10884 of 2018
and
W.M.P.No.12823 of 2018

D.Sugavanam

...Petitioner

-Vs-

1. The District Revenue Officer,
Salem Division, Salem.
2. The Revenue Divisional Officer,
Salem.
3. The Tahsildar,
Vazhapadi, Salem District.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for records relating to the first respondent's proceedings made in Na.Ka.No.37922/2013/K3 dated 14.03.2018 by confirming the order of the second respondent made in Na.Ka.No.4795/2016/A3 dated 09.11.2016 and the third respondent's proceedings in Mu.Mu.1238/2010 (B1) dated 17.07.2012 and quash the same and direct the respondents to remove the Adi Dravida condition in the Revenue Accounts for the petitioner's land comprised in Survey No.82/2 over an extent of 0.45.0 Hectares in Kariapatti Village, Vazhapadi Taluk, Salem District.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.Richardson Wilson
Government Advocate.

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the first respondent's proceedings made in Na.Ka.No.37922/2013/K3, dated 14.03.2018 by confirming the order of the second respondent made in Na.Ka.No.4795/2016/A3, dated 09.11.2016 and the third respondent's proceedings in



Mu.Mu.1238/2010 (B1), dated 17.07.2012 and quash the same and direct the respondents to remove the Adi Dravida condition in the Revenue Accounts for the petitioner's land comprised in Survey No.82/2 over an extent of 0.45.0 Hectares in Kariapatti Village, Vazhapadi Taluk, Salem District.

2. Heard Mr.M.Muthappan, learned counsel appearing for the petitioner and Mr.Richardson Wilson, learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that the land comprised in ***Survey No.82/2** ad-measuring 1.11 acres situated at Kariapatti Village, Vazhapadi Taluk, Salem District was purchased by one Munian son of Vayapuri through the Court auction on 24.12.1949. After his purchase, he sold out the said land to one Govinda Pathar by a registered sale deed dated 01.11.1950. Thereafter, it was purchased by one Sowrimuthu son of Muthu Udaiyar in the year 1964 who had sold the subject property to one Palaniappan and his wife by the sale deed dated 19.04.1965. In turn the petitioner's father purchased the same by the registered sale deed dated 29.12.1965. After the demise of the petitioner's father, the petitioner's brother inherited the subject property by the registered sale deed dated 05.10.1989. Thereafter, the petitioner became the absolute owner of the property and she was also issued patta in his favour. However, after his purchase, in the Adangal extracts there was no endorsement that the land is conditional assignment for Adi Dravida condition till 2011. Thereafter only there is an endorsement of Adi Dravida condition. The said condition endorsement could be made only if the land assigned by the Government to the Scheduled Caste community people. Though, the petitioner belong to the Scheduled Caste community, the said endorsement would be an embargo for selling the subject land to other community people. Therefore, the petitioner made a representation to remove the entry from the Adangal extract. However, the said request was rejected by the third respondent for the reason that the said land was originally assigned in favour of the Adi Dravidar by the assignment dated 01.01.1926. Though, there were so many transactions in respect of the subject property, the Adi Dravida condition cannot be removed.

4. It is further stated that the subject land is not cultivated by any of the purchasers and it is kept as tharisu. Aggrieved by the same, the petitioner preferred an appeal before the second respondent and the second respondent also rejected the request of the petitioner and confirmed the order passed by the third respondent. Again aggrieved by the same, the petitioner preferred a revision before the first respondent and the first respondent rejected the revision and confirmed the order passed by the third respondent.



5. A perusal of the counter revealed and confirmed that the purchase of the petitioner's father from one Pachamuthu and his wife by the registered sale deed, dated 29.12.1965. The land was originally assigned in favour of one Dhakshinamurthy son of Ramasamy on 01.01.1926. Thereafter, there was so many transactions and finally the petitioner became the absolute owner of the property and she was also issued patta. However, the Chitta and Adangal extract stood as Adi Dravida condition land and in the "A register" also. The Status of the land never ceased to exist for the reason that the said property was subjected for Court sale. It is always associated with the Adi Dravida condition until the desired result is felt by the appropriate authority.

6. The learned counsel for the petitioner would submit that though the subject land was originally assigned to one Dhakshinamurthy by condition on 01.01.1926, the subject property was purchased in a Court auction sale on 24.12.1949 by one Munian son of Vayapuri. Thereafter, he sold out to other community people and subsequently various community people purchased the subject land and finally the petitioner's father purchased the same who belong to the Scheduled Caste community. However, the "A register" and other revenue records stood as Adi Dravida condition and it is an embargo to sell the subject land in favour of the other community people. She has produced various orders passed by the revenue authorities i.e., the first respondent dated 23.01.1995, wherein it was ordered to remove the Adi Dravida condition in other similarly placed land for the reason that 30 years over and after the assignment in favour of the Adi Dravidar. Likewise, by an order dated 31.05.1996, the Sub-Collector, Namakkal also ordered to remove the Adi Dravida condition for the reason that 30 years over from the date of the assignment. In fact, the Special Commissioner and the Commissioner of Land Administration by its communication dated 16.11.1999, ordered to remove the Adi Dravida condition for the reason that the statutory period of 30 years of limitation lapsed.

7. Admittedly, even as per the records of the respondents, the subject land was originally assigned in favour of one Dhakshinamurthy under Adi Dravida conditional assignment dated 01.01.1926. Thereafter, the said property was brought to Court auction sale on 24.12.1949, it was purchased by one Munian son of Vayapuri. Thereafter, he sold out the property in favour of Govinda Pathar by the registered sale deed dated 01.11.1950. It is also curious to note that the subsequent purchasers belonged to some other community and they were also issued patta in their favour. Finally, the petitioner's father purchased the subject property by the registered sale deed dated 29.12.1965 and after his demise the petitioner became the absolute owner of the property after the purchase of her brother's share.



8. Therefore, the statutory period of 30 years have lapsed even in the year 1956 itself. Insofar as the cultivation is concerned, the subject land is having well and electricity service connection and it is in possession and enjoyment of the petitioner and the petitioner is cultivating the same even till today.

9. Therefore, the impugned order cannot be sustained as against the petitioner and is liable to be set aside. Accordingly, the first respondent's proceedings made in Na.Ka.No.37922/2013/K3, dated 14.03.2018 confirming the order of the second respondent made in Na.Ka.No.4795/2016/A3, dated 09.11.2016 and the third respondent's proceedings in Mu.Mu.1238/2010 (B1), dated 17.07.2012 is hereby set aside.

10. The third respondent is directed to remove the Adi Dravida condition from the "A register" and other revenue records in respect of the subject property comprised in ***Survey No.82/2**, ad-measuring 1.11 acres situated at Kariapatti Village, Vazhapadi Taluk, Salem District, within a period of four weeks from the date of receipt of a copy of this order.

11. With the above direction, this writ petition stands allowed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VIII)
Dated: 18/11/2021

*** Corrected as per order of this Court,
dated 13/12/2021 made in W.P.No.10884 of 2018**

Sd/-
Assistant Registrar(CS-VIII)
Dated : 21/12/2021

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
Salem Division, Salem.
2. The Revenue Divisional Officer,
Salem.
3. The Tahsildar,
Vazhapadi, Salem District.

***Substituted to the
order already
despatched on
29.11.2021**

*** +1cc to Mr.M.Muthappan, Advocate, S.R.No.66306**

W.P.No.10884 of 2018
and W.M.P.No.12823 of 2018

SSD[co]
NSK 23/11/2021
RLP(21/12/2021)