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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. NO.20388 OF 2021

Siddavatam Subramaniam

... Petitioner

-Vs-

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
3. The Revenue Divisional Officer,
Hosur - 635 109,
Krishnagiri.
4. The Tahsildar,
Hosur Taluk,
Hosur - 635 109,
Krishnagiri District.

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents herein to consider and pass orders in the representation dated 03.04.2021 sent by the petitioner for cancelling the classification of his lands in S.F.Nos.454/3, 455/2 and 457, Avalapalli Village, Hosur Taluk, Krishnagiri District as "AD Condition" lands and to correct it as general lands in the Village A Register and computerized A Register within a stipulated period.

For Petitioner : Mr.T.Vedi

For Respondents: Mr.P.Baladhandayutham
Special Government Pleader.



ORDER

This Writ Petition has been filed to direct the respondents herein to consider and pass orders in the representation dated 03.04.2021 sent by the petitioner for cancelling the classification of his land in S.F.Nos.454/3, 455/2 and 457, Avalapalli Village, Hosur Taluk, Krishnagiri District as "AD Condition lands" and to correct it as general lands in the Village 'A' Register and computerized 'A' Register within a stipulated period.

2. The case of the petitioner is that the land ad measuring 1.80 acres, 0.12 acres and 1.64 acres comprised in survey Nos.454/3, 455/2, 456, 457 situated at Avalapalli Village, Hosur Taluk, originally belong to one Periyavadu @ Koopallikadu. He executed a gift deed in favour of his brother-in-law by the Gift Deed dated 22.06.1950 registered vide document No.1443/1950. The said settlee had no issue. After his demise, his legal representatives partitioned the property by way of partition deed dated 08.09.2006 registered vide document No.1137 of 2006. Accordingly, the subject lands were allotted to the share of one Periyannan.

3. From the said Periyannan, the petitioner and his brother purchased the subject property by the registered sale deed dated 27.07.2011 vide document No.10327 of 2011. Therefore, the revenue records mutated in their names and patta also issued in patta No.336 in respect of the property comprised in survey No.455/2 and patta no.557 was issued for the land comprised in survey No.457 and patta No.3653 was issued in respect of the land comprised in survey Nos.454/3 and 456. Thereafter, the petitioner laid out the said property into house sites and applied for approval and it was also approved by the proceedings dated 20.09.2011.

4. In fact, the petitioner and his brother also executed a gift deed in favour of Panchayat gifting 47,307 sq.ft., for open space and roads by the Gift Deed dated 16.09.2011 vide document No.13108 of 2011. Thereafter, they came to know that the land comprised in survey No.456 was classified as Adi dravidar condition lands in the Village A register. Therefore, he sent representation to re-classify the lands. Since the same was not considered, the petitioner filed this Writ Petition with the above said prayer.

5. Heard Mr.T.Vedi, learned counsel appearing for the petitioner, Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the respondents.



6. On perusal of the counter filed by the fourth respondent revealed that the subject land are Adi Dravidar condition lands allotted by the Government to the poor Adi Dravidar for cultivation. However, the petitioner purchased the said land and converted into house sites. There is no provision or law to reclassify the Adi Dravidar condition lands into ordinary patta lands. Further the respondents have no powers to alter or reclassify the Adi Dravidar condition lands into ordinary patta lands. Therefore, the representation of the petitioner was duly considered and the same was rejected by an order dated 01.10.2021 in Na.Ka.No.5900/2020/A2.

7. Hence, this Writ Petition is devoid of merits and is liable to be dismissed. However, the fourth respondent is directed to communicate the said order dated 01.10.2021 to the petitioner within a period of two weeks from the date of receipt of a copy of this Order. On receipt of the same, the petitioner is at liberty to challenge the same in the manner known to law, if so advised.

8. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rts

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
3. The Revenue Divisional Officer,
Hosur - 635 109,
Krishnagiri.



4. The Tahsildar,
Hosur Taluk,
Hosur - 635 109,
Krishnagiri District.

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+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.64629
+1cc to the Government Pleader, S.R.No.65296

W.P. No.20388 of 2021

RSV(CO)
PM/21/12/2021