



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18244 of 2021

Mrs.Manonmani

...Petitioner

Vs.

1. The Principal/Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
2. The District Collector,
Dharmapuri, Dharmapuri District.
3. The District Revenue Officer,
Dharmapuri and District.
4. The Revenue District Officer,
Harur (Post),
Dharmapuri (Post) and District.
5. The Tahsildar,
Pappireddipatti Taluk Office,
Pappireddipatti (Post),
Dharmapuri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 3rd respondent to dispose of the petitioner's appeal dated 20.03.2013 received by them on 22.03.2013 after personal hearing within the time stipulated by this Court.

For Petitioner : Mr.V.Raghupathi

For respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

The petitioner has filed a mandamus to direct the third respondent to dispose of the petitioner's appeal dated 20.03.2013 within a time frame.

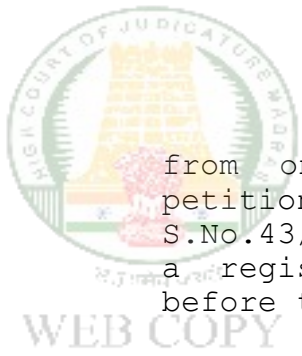


2.The case of the petitioner is that 2 acres of land in S.No.177/A1 in Kongur Village, Dharmapuri Taluk, (then Coimbatore District) now Dharmapuri District were reserved for assignment to the depressed class persons. The petitioner submits that the entire land was assigned to one Nallan by the Revenue Authority in D.Dis.No.55 DR.32 dated 31.10.1922 under terms and conditions stipulated therein and after the death of Nallan, on 08.01.1968, legal heirs of Nallan sold the said 2 acres to one Muthan Madari a Hindu Harijan in D.No.2860/1968.

3.According to the petitioner, the said Muthan out of devotion gifted the entire lands by a registered settlement deed dated 18.01.1971 to one Kuppusamy trustee of Sanmarga Gurukulam which is an orphanage and the said trustee constructed a mill out of his money. The petitioner submits that the Board of Revenue Authorities have also decided and ordered that after 30 years period from the original assignment, there is no need to interfere in the sale deed dated 08.01.1968 to a Hindu (vide proceeding B.P.Rt.2269 dated 25.05.1973). The petitioner submits that the said order of Board of Revenue was obeyed by the then Revenue Divisional Officer, Coimbatore in his order No.K.Dis.19357/70 and the then District Revenue Officer, Coimbatore also requested the Revenue Divisional Officer, Coimbatore to drop the proposal of resumption of the said land in S.Nos.335/5, 260/2 and 260/3 of Pallipalayam Village in his proceedings K.Dis/79K5 dated 22.06.1975 since it is not necessary after statutory period of 30 years the sale to a cast Hindu took place of after 53 years in view of the instruction of Board of Revenue.

4.According to the petitioner, earlier owner of the land sold for a valid and proper consideration to her by a sale deed dated 23.08.1989 registered on 25.08.1989 as Document No.988/1989 before the SRO, Pappireddipatti. According to the petitioner, she totally owns 0.98.0 hectare in No.49, Kozhimeganur Village, Harur Taluk in S.No.43/3 (as per UDR patta S.No.43 of 2B and also 2.36 acre cents out of 2 acre 42 cents = 0.95.05 hectares) patta No.370 also stands in her name.

5.The petitioner submits that the Thasildar, Harur has passed a detailed order in his L.Dis.20253/93 dated 30.11.1991 wherein it stated that in view of the order of the Board of Revenue, after 30 years from the date of assignment, the petitioner purchased the lands and also patta has to be transferred to the name of the petitioner. According to the petitioner, against the said order of the then Thasildar, Harur, nobody filed any appeal. According to the petitioner, she and one Palaniammal purchased 1.05 acres punja land (0.42.5 hectare) in S.No.43/1 for a valid consideration of Rs.26,500/- on 12.02.1990 vide D.No.153/1990 before the SRO, Pappireddipatti



from one Annamalai and his son Raju. According to the petitioner, she had purchased punja land of 0.98.0 hectare in S.No.43/2B Kozhimeganur Village from Kaliammal and their sons by a registered sale deed dated 23.08.1989 vide D.No.988/1989 before the SRO, Pappireddipatti.

6. According to the petitioner, A.D. Condition is not included in 'A' Register and U.D.R. Scheme even in the computer chitta, her name noted as land owner in S.No.12(1) patta No.19-370. According to the petitioner, in encumbrance certificate continuously mentions her name in view of her valid sale.

7. The petitioner submits that the Revenue Divisional Officer, Harur has sent a show cause notice vide Na.Ka.No.6012/2010/A1 dated 09.08.2010 asking the petitioner as to why the assignment shall not be cancelled and it would not get registered in the Government records. According to the petitioner, though she has not received any copy of the report of the Thasildhar, Pappireddipatti dated 06.08.2010, she had given proper explanation in writing.

8. According to the petitioner, without taking any further steps for 2 years, the same Revenue Divisional Officer asking explanation in his Letter No.Na.Ka.5600/2012/A2 dated 04.08.2012. The petitioner submits that it is not mentioned as to when a patta was granted to one Annamalai behind back of the petitioner. According to the petitioner, she had given her explanation on 25.08.2012 and again the same Revenue Divisional Officer sent a notice asking further explanation in his notice No.5600/2012/A2 dated 05.01.2013.

9. According to the petitioner, without reference to any kind of subject and reference even in the third show cause notice, there was no mention about the earlier two show cause notices for which the petitioner given his explanations. The petitioner submits that finally the Revenue Divisional Officer, Harur has passed an order in his R.C.No.5600/2012/A3 dated 23.02.2013 wherein he has stated that the conditions for the lands of Aadhi Dravidas have been violated in respect of total extent of land 0.42.5 (1.40.5) hectares in S.Nos.43/1E, 43/2B of the village.

10. The petitioner submits that the earlier assignment has been cancelled and it is re-classified as Government punja tharisu land. Aggrieved by the order, the petitioner had preferred an appeal on 20.03.2013 before the District Revenue Officer, Dharmapuri. But the said DRO has not yet passed any orders on his appeal and there is no reply to the application dated 22.04.2013 sent to the Public Information Officer of the said District Revenue Officer under RTI Act. According to the petitioner, again she had sent a petition dated 28.06.2013 to



the Under Secretary (Administration), Revenue Department, Secretariat, Chennai along with all necessary documents and a copy of her appeal.

11. According to the petitioner, the District Collector and the District Revenue Officer, Dharmapuri have not taken any action till date. According to her, as the assignments were made prior to 14.05.1973, the Commissioner of Land Administration alone is competent to cancel the assignment after getting necessary proposals from the District Revenue Officer/Collector and according to the petitioner, the Revenue Divisional Officer cannot cancel the assignment in his case and the question of cancellation of assignment does not arise at all as the sale to a Hindu has taken place after the statutory period of 30 years as per B.P.Rt.2269 dated 25.05.1973 of the Board of Revenue, Chennai and further there is a conditional assignment A.D. Condition register maintained in the village.

12. The petitioner submits that during Jamabandi of every year, the concerned Taluk Tahsildar given a certificate duly recorded in the register as "conditions kept up" and the Jamabandi Officer viz., the Revenue Divisional Officer / District Revenue Officer / Collector or other Deputy Collectors as the case may be will sign the register in the capacity of the G.O. what was the action taken against the officers for furnishing false certificates.

13. The petitioner further submits that the legal heirs of the original assignee sold the same to his vendors after 46 years of the assignment and she is in lawful and peaceful possession of the property for three decades along with his family. The petitioner submits that though the petitioner resorting legal remedies taking advantage of the situation, the third parties were trying to interfere with the possession illegally.

14. The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

15. The learned Government Advocate for the respondents would submit that the authorities will consider the said appeal filed by the petitioner dated 20.03.2013 and pass appropriate orders after conducting an enquiry.

16. On going through the averments and typed set of papers, it is seen that the entire land was assigned to one Nallan by the Revenue Authority in D.Dis.No.55 DR.32 dated 31.10.1922 under terms and conditions stipulated therein and after the death of Nallan, on 08.01.1968, legal heirs of Nallan sold the



said 2 acres to one Muthan Madari a Hindu Harijan in D.No.2860/1968, the said Muthan out of devotion gifted the entire lands by a registered settlement deed dated 18.01.1971 to one Kuppusamy trustee of Sanmarga Gurukulam which is an orphanage and the said trustee constructed a mill out of his money. Thereafter, earlier owner of the land sold for a valid and proper consideration to the petitioner by a sale deed dated 23.08.1989 registered on 25.08.1989 as Document No.988/1989 before the SRO, Pappireddipatti. The Revenue Divisional Officer, Harur has passed an order vide R.C.No.5600/2012/A3 dated 23.02.2013 wherein it has been stated that the conditions for the lands of Aadhi Dravidas have been violated in respect of total extent of land 0.42.5 (1.40.5) hectares in S.Nos.43/1E, 43/2B of the village and earlier assignment has been cancelled and it is re-classified as Government punja tharisu land.

17.In view of the above, the submissions made by the learned Government Advocate for the respondents as well as the submissions made by the learned counsel for the petitioner that the appeal has been filed against the order of the Revenue Divisional Officer before the District Revenue Officer, this Court is of the view that the third respondent is directed to dispose of the appeal dated 20.03.2013 filed by the petitioner after affording an opportunity of personal hearing to the petitioner within a period of six months from the date of receipt of a copy of this order.

18.This Court by its earlier order dated 19.03.2018 in W.P.No.6125 of 2018 dated 19.03.2018, directed the third respondent to consider the appeal and pass orders on the petitioner appeal dated 22.03.2013, which has not been obeyed by the said authorities also noted by this Court. Hence there shall be no such excuses and the authorities shall pass orders within the time granted.

19.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pam



To

1. The Principal/Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.
2. The District Collector,
Dharmapuri,
Dharmapuri District.
3. The District Revenue Officer,
Dharmapuri and District.
4. The Revenue District Officer,
Harur (Post),
Dharmapuri (Post) and District.
5. The Tahsildar,
Pappireddipatti Taluk Office,
Pappireddipatti (Post),
Dharmapuri District.

+1cc to Mr.Mr.V.Raghupathi, Advocate, S.R.No.44347
+1cc to the Government Pleader, S.R.No.44891

W.P.No.18244 of 2021

CP[co]
NSK 13/10/2021