



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18742 of 2021

Mr.A.Rajakannu Udayar

...Petitioner

Vs.

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2. The District Revenue Officer,
Thiruvannamalai.

3. The Tahsildar,
Kalasapakkam Taluk,
Thiruvannamalai District.

4. The Village Administrative Officer,
Thenmathimangalam Village,
Kalasapakkam Taluk,
Thiruvannamalai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to update patta of the petitioner, based upon the petitioner's representation dated 10.02.2020 and the report of VAO, Thenmathimangalam, dated 14.11.2016.

For Petitioner : Mr.M.Manimaran

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for a mandamus to direct the respondents to update the patta based on the petitioner's representation dated 10.02.2020 as well as the Report of the Village Administrative Officer, Thenmathimangalam dated 14.11.2016.

2.The case of the petitioner is that he is residing at



Thenmathimangalam Village, Kalasapakkam Taluk, Tiruvannamalai District in S.Nos.330/1 and 330/2 having an extent of 2.5 acres ayan punjai lands were purchased by him by way of registered Sale Deed vide Document No.1284 of 1972 dated 27.03.1972 before the SRO, Kadaladi, from one Velu and his sons viz., Kannan, Subramani for a valuable consideration and the land in S.No.330/2 from Raman, Chinnapaiyan, and their heirs vide Document No.1308/1972 dated 31.07.1972, the land in S.No.330/1 was purchased by Velu and his heirs on 24.08.1942 and the land in S.No.330/2 was purchased by Raman and his heirs on 27.03.1968.

3.The petitioner submits that since he does not have any house or plot or agricultural land, he applied for patta during 1998 for the above said lands and accordingly the field inspection was conducted and the patta was issued by the Village Administrative Officer in his name in patta No.618 on 26.11.1998.

4.The petitioner further submits that when he intended to obtain loan against his lands, he came to know that after verifying with the Revenue Records, the Officials have informed him that the land has been classified as Anatheenam DC which is meant for Schedule Caste and Tribes, the same cannot be conveyed to third party other than the SC and ST people, the said fact now came to his knowledge during the common classification done by the Revenue Authorities through UDR Scheme.

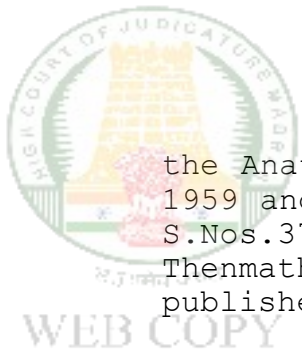
5.According to the petitioner, the Village Revenue Officer, Thenmathimangalam has ordered to conduct a detailed enquiry, the Village Administrative Officer has submitted his report vide AaThiMu/524/2016 dated 14.11.2016.

6.The petitioner further submits that it was classified as the land situated in S.Nos.330/1 and 330/2 as per proceedings in TA/A6/70 dated 11.08.1960 issued Patta No.434 as per proceedings in 8A 38/70 dated 16.08.1960 issued Patta No.359 to Mr.Chinnapaiyan.

7.According to the petitioner, the then Tahsildhar had found some irregularity and he classified the lands in S.No.330/2 as Punjai Anatheenam vide his proceedings No.B3/1066/75 dated 29.05.1973.

8.According to the petitioner, the Village Administrative Officer has found in its report that there was no records available pertains to the land in S.No.330/1 at the office of Thenmathimangalam as well as in the Resettlement Register, the above said land was classified as meikkal lands.

9.The petitioner submits that as per the Report and Publication by the then Povoer Tahsildhar about the details of



the Anatheenam DC lands in the Official Gazette during September 1959 and the following lands were classified as Anatheenam DC in S.Nos.378/2, 395, 396 and 399, but for the village i.e., Thenmathimangalam their land in S.No.330 was not at all published and classified as Anatheenam DC land.

10.The petitioner further submits that during the UDR scheme this land was mistakenly classified as Anatheenam DC and no opportunity was given to them to clarify that the land was not at all Anatheenam DC and it was utilised by them and cultivating for nearly than 50 years.

11.According to the petitioner, the recommendation of the Village Administrative Officer, Thenmathimangalam during 1984-1986 when the scheme was updated the land in S.No.330/1 was totally possessed and enjoyed by him and his heirs, the said land cannot be termed a Anatheenam DC and it cannot be reconveyed to the SC people.

12.The petitioner submits that the recommendation made was kept in abeyance, the third respondent was not at all considered the same and keeping his application for issuance of fresh patta in his name and his application is pending till date for the reasons best known to them.

13.The petitioner further submits that he had paid all the statutory taxes like EB, Property Tax for the said land till date, the possession and enjoyment over the land is with him and it is the duty of the Revenue Officials to issue patta and chitta in his name since the land in S.Nos.330/1 and 330/2 was not at all classified as Anatheenam DC meant for Scheduled Caste people, since as per the Official Gazette publication his lands was not at all classified as Anatheenam DC.

14.The petitioner submits that the recommendations made by the Village Administrative Officer stating that the lands situated in S.Nos.330/1 and 330/2 was not at all panchami lands meant for SC people, the lands were purchased by him through a registered Sale Deed and if at all the lands were Anatheenam DC, it would be reflected in the Revenue Records during the purchase of the said lands and due to the error committed by the Revenue Officials during the UDR Scheme, his lands were wrongly entered as Anatheenam DC and no opportunity was given to him before making such classification and judicial interference in this case is required.

15.The petitioner further submits that the condition clause for the Anatheenam DC lands or Panchami lands would be prevailed if originally his lands were such classified lands, but no Revenue Records reflects the same during his purchase and



registration done by the Revenue Officials.

16. According to the petitioner, the Hon'ble Apex Court in many occasions has held that no application for seeking patta would be kept for indifferent cause and the same should be adjudicated as soon as possible.

17. 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.

18. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

19. In view of the above and considering the submission made by the petitioner and without expressing any opinion on merits, this Court is of the view that the respondents shall consider the petitioner's representation dated 10.02.2020 and pass appropriate orders based on the report of the Village Administrative Officer, Thenmathimangalam dated 14.11.2016 in accordance with law, after affording opportunity to the petitioner, within a period of four months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The District Revenue Officer,
Thiruvannamalai.
3. The Tahsildar,
Kalasapakkam Taluk,
Thiruvannamalai District.



4. The Village Administrative Officer,
Thenmathimangalam Village,
Kalasapakkam Taluk,
Thiruvannamalai District.

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+1cc to Mr.M.Manimaran, Advocate, S.R.No.49362

+1cc to the Government Pleader, S.R.No.50090

W.P.No.18742 of 2021

PMK (CO)

RGA (12/11/2021)