



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19589 of 2021

and

W.M.P.No.20871 of 2021

Ponnusami

...Petitioner

vs.

1. The State of Tamil Nadu, rep. by
The Secretary to Government,
Revenue Department,
Fort St. George, Chennai-9.

2. The District Collector,
Namakkal District.

3. The District Revenue Officer,
Namakkal District.

4. The Revenue Divisional Officer,
Rasipuram, Namakkal District.

5. The Sub-Registrar,
Office of Sub-Registrar,
Rasipuram, Namakkal District.

6. Udhayasankar

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd Respondent to resume the lands in Old Survey No.86/9 R.S.No.14/1, 2, 3 Rasipuram Village, Rasipuram Taluk, classified as Panchami Lands.

For Petitioner : Mr.Ali Hassan Khan

For R1 to R5 : Mr.A.Selvendran
Special Government Pleader

For R6 : Mr.N.Manokaran

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the 3rd respondent to resume the lands



comprised in Old Survey No.86/9 R.S.No.14/1, 2, 3 situated at Rasipuram Village, Rasipuram Taluk, Namakkal District, classified as Panchami Lands.

2. The case of the petitioner is that the petitioner belong to the Scheduled Caste Community. The land comprised in Old Survey No.86/9 R.S.No.14/1, 2, 3 is originally classified as Panchami land which was assigned to the welfare of people of Scheduled Caste Community. Once the land was utilised for that purpose the Government has to resume and as such, the petitioner is being Scheduled Caste person filed this writ petition to resume the subject land which was originally assigned in favour of the Scheduled Caste Community.

3. On perusal of the counter affidavit filed by the 6th respondent, revealed that the 6th respondent's father had purchased the subject property from one A.Kandhasamy, his wife and their daughter under a Registered Sale Deed dated 18.03.1981 vide Document No.611/1981. Thereafter, he was granted patta in pursuant to the order passed by the 3rd respondent dated 23.01.1995 in Pa.Mu.6388/94/A2. Thereafter, the 6th respondent's father was also purchased the property comprised in Old.S.F.No.86/9 to an extent of 2.80 ½ acres and he had applied for patta in his name. However, it was rejected and as such, he filed appeal before the 3rd respondent and the 3rd respondent passed an order dated 23.01.1995.

4. On perusal of the order dated 23.01.1995, revealed that the 3rd respondent has considered B.P.2269 (Land Revenue) dated 25.05.1973 issued by the Board of Revenue, concluded that after lapse of 30 years, the transfer of ownership is valid. Admittedly, the 6th respondent's father purchased the said property from the original assignees after a period of 44 years. That apart, the order passed by the 3rd respondent dated 23.01.1995 had become final and no appeal has been filed by any of the third parties or by the original assignees. The 6th respondent's father was continued to be in exclusive possession and enjoyment of the property from the date of purchase on 18.03.1981 to the date of his death on 24.11.2005. In fact, he had executed a registered sale deed dated 11.08.2004 by bequeathing the subject property in favour of his two sons, viz., Tvl.Thangaraj and Udhayasankar/the 6th respondent herein, they derived title over the property and they also mutated the revenue records in their names and the Tahsildar, Rasipuram by an order dated 28.04.2008 in Na.Ka.No.7980/2008/(T) granted patta in their favour. Thereafter, the 6th respondent and his brother entered into Partition Deed dated 12.06.2017 vide Document No.1505/2017 and they were allotted their respective shares and all the revenue records mutated in their names in favour of their respective shares.



5. Though the petitioner belongs to the Scheduled Caste Community, he has no locus to file this writ petition for a direction, directing the 3rd respondent to resume the subject property. That apart, originally the subject land was assigned even before 1937 in favour of the Adi Dravidar Community people. Thereafter, the original assignees sold out the property by the registered sale deed dated 18.03.1981. Admittedly, the petitioner is neither legal heir of the assignee nor the purchaser of the subject land. Therefore, the petitioner has no locus to file this writ petition and the writ petition is devoid of merits and it is liable to be dismissed.

6. In view of the above, the writ petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Secretary to Government,
Revenue Department,
Fort St. George, Chennai-9.
2. The District Collector,
Namakkal District.
3. The District Revenue Officer,
Namakkal District.
4. The Revenue Divisional Officer,
Rasipuram, Namakkal District.
5. The Sub-Registrar,
Office of Sub-Registrar,
Rasipuram, Namakkal District.

+1cc to the Government Pleader, S.R.No.62606

W.P.No.19589 of 2021
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PL(CO)
RGA(13/12/2021)