

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26490 of 2021

and

W.M.P No.27943 of 2021

C.Nallasivam

... Petitioner

Vs

1. The Principal Secretary/Commissioner,
Land Administration Department,
Cheppauk,
Chennai-05.

2. The District Collector,
Tiruppur District,
Tiruppur.

3. The Revenue Divisional Officer,
Pollachi Road,
Dharapuram,
Tiruppur District.

4. The Tahsildar,
Dharapuram Taluk,
Tiruppur District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents not to change the revenue classification of the Mandaveli Poramboke land measuring an extent of 9.79 Acres (3.96.5 Hrs) comprised in S.No. 12/A1, Kannivadi Village, Dharapuram Taluk, Tiruppur District as a Natham land, by considering the petitioner's representation dated 08.05.2021.

For Petitioner

: Mr.N.Manokaran

For Respondents

: Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

This writ petition is filed to issue a Writ of Mandamus, to direct the respondents not to change the Revenue classification of the Mandaveli Poramboke land measuring an extent of 9.79 Acres (3.96.5 Hrs) comprised in S.No. 12/A1 situated at Kannivadi Village, Dharapuram Taluk, Tiruppur District as a Natham land, by considering the petitioner's representation dated 08.05.2021.

2. The petitioner is a resident of Manalur, Kannivadi Village, Dharapuram Taluk, Tiruppur District. He owned the properties comprised in S.Nos.9,10,13 and 18 situated at Kannivadi Village, Dharapuram Taluk. The land comprised in S.No.12/A1 ad-measuring an extent of 9.79 acres classified as Mandaveli Poramboke or Cattle Poramboke, is lying in between the Amaravati River and the residential colony. In the said land there are Temples of an extent of 5 acres and they are under usage by the Temple for the past several decades and an extent of 1.50 acres is a rocky portion and 50 cents have been utilized for the formation of roads and remaining extent of 2.75 acres is lying vacant for common purposes. The said land is also used by the general public while conducting festival, performing Annathaanam and Thanner Pandhal and other public uses such as playground.

3. While that being so, on receipt of the application from the general public, the Revenue Authorities are trying to re-classify the entire land as "Natham" for the issuance of house-sites to the general public. Therefore, the petitioner made a representation on 08.05.2021. On receipt of the same, the first respondent forwarded it to the second respondent by the communication dated 18.06.2021. The second respondent forwarded the same to the third respondent to take appropriate action. On receipt of the same, the fourth respondent by the communication in Na.Ka.1526/2021/A2 directed the Revenue Inspector to inspect the property and file a report. In fact, on the enquiry, the third respondent passed an order on 22.07.2021 directing the fourth respondent not to change the Revenue classification in respect of the subject property, which has been used by the Villagers, till the decision is being taken by the authorities. However, the fourth respondent did not conduct any enquiry, as directed by the second respondent by the communication 18.08.2021.

4. Considering the above facts and circumstances, the fourth respondent is directed to conduct enquiry on the above aspects and send a report to the second respondent within a period of four weeks from the date of receipt of a copy of this

order. On receipt of the same, the second respondent is directed to consider the representation of the petitioner dated 08.05.2021 and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

5. With the above directions, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary/Commissioner,
Land Administration Department,
Cheppauk, Chennai-05.
2. The District Collector,
Tiruppur District,
Tiruppur.
3. The Revenue Divisional Officer,
Pollachi Road,
Dharapuram,
Tiruppur District.
4. The Tahsildar,
Dharapuram Taluk,
Tiruppur District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.66538

+1cc to the Government Pleader, S.R.No.66641

W.P.No.26490 of 2021

GJ(CO)
SU(03/01/2022)