



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.295 of 2022

M.Rathinavel

.. Appellant/ 4th Respondent

vs

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2. The District Adi Dravidar and Tribal
Welfare Officer, Thiruvannamalai.

3. The Special Tahsildar,
Adi Dravidar Welfare Office,
Vandhavasi,
Thiruvannamalai District

..1 to 3 Respondents/
1 to 3 Respondents

4. A.Sugumaran

.. 4th Respondent / Petitioner

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 19.11.2021 in W.P.No.40592 of 2015 on the file of this Court.

Prayer in WP.No.40592 of 2015: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorari, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings No.K1/40892/2015, dated 13.10.2015 and quash the same.

For the Appellant : Mr.Arokiamaniraj

For the Respondents : Mr.P.Muthukumar
State Govt. Pleader for RR 1 to 3

: Mr.C.Prakasam for R-4



JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Chief Justice)

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By this writ appeal, a challenge is made to the judgment dated 19.11.2021 whereby the writ petition preferred by the petitioner, the fourth respondent herein, was allowed with certain directions.

2. It is a case where the writ petition was filed to challenge the order dated 13.10.2015. By the said order, 3 cent of land in question was allotted to the fourth respondent, that is, the appellant herein. The land in S.No.151/11, which is a Government poramboke land, has been classified as playground for the benefit of the village people. A land classified as a playground cannot be re-classified for any purpose rather it has to be maintained for the benefit of the village people. A finding has been recorded by the learned Single Judge that the land aforesaid cannot be re-classified. In the light of the aforesaid, following directions were given in para 9 of the impugned judgment, which are quoted hereunder:-

"(1) The impugned order passed by the second respondent in proceedings No.K1/40892/2015 dated 13.10.2015 is quashed.

(2) The respondents 1 to 3 are directed to demolish the construction made in the playground and maintain the playground for the benefit of the people in that locality, within a period of one month from the date of receipt of a copy of this order.

(3) The first respondent-District Collector is directed to conduct a detailed enquiry and institute all further actions, including the disciplinary proceedings against the officials involved in such illegalities and prosecute them accordingly."

3. The learned counsel for the appellant submits that the part of the land allotted to him by way of patta was re-classified for house site and otherwise it was Natham land, thus, was rightly allotted, followed by raising of construction by the appellant. In view of the above, the direction given by the learned Single Judge has been questioned which is mainly in reference to the cancellation of the order dated 13.10.2015.

4. We have considered the submissions of the learned counsel for the appellant as also the learned State Government Pleader and perused the records.

5. As per the statement made by the learned counsel for the appellant, the land allotted to him by grant of patta was re-classified as house site from the classification of playground. The learned State Government Pleader has otherwise stated that



no patta was given to the appellant in respect of the land in question.

6. When the learned counsel for the appellant was asked to refer to the order of re-classification, he failed to do so rather referred to the status report submitted by the Tahsildar, which cannot be trusted without verification of facts in regard to the classification of the land. The learned counsel for the appellant was further asked to show the provision which permits re-classification of the land of playground. He again failed to show any provision for the aforesaid.

7. In view of the above, the fact remains that the part of the land of playground allotted to the appellant was without re-classification and therefore, the learned Single Judge has rightly issued directions to maintain the entire land of playground for the purpose for which it has to be kept. The appellant has even failed to show patta in his favour and also the order of re-classification. The playgrounds in the villages and cities are essential. We do not find any error in the order passed by the learned Single Judge.

The writ appeal, accordingly, fails and the same is dismissed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.
2. The District Adi Dravidar and Tribal
Welfare Officer, Thiruvannamalai.
3. The Special Tahsildar,
Adi Dravidar Welfare Office,
Vandhavasi, Thiruvannamalai District.

+1cc to Mr.S.Arokia Maniraj, Advocate, S.R.No.10578
+1cc to the Government Pleader, S.R.No.10787

W.A.No.295 of 2022

SRA(CO)
SB(01/03/2022)