



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.20561 OF 2008

AND

M.P.NO.01 OF 2008

Kovai District Sengunthar Weavers' Team,
Represented by the District President
Kolathur M.Velumani
2/192, Kolathur Venkittapuram Post,
Airport Via, Coimbatore-14
Coimbatore Branch.

...Petitioner

Vs.

1. The Special Commissioner,
Land Reforms and Administration,
Chepauk, Chennai-5.
2. The District Collector,
Coimbatore District, Coimbatore.
3. The District Revenue Officer,
Palladam Taluk,
Coimbatore District.
4. The Tahsildhar,
Palladam Taluk,
Coimbatore District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent herein in O.Mu./E2/11934/07, dated 17.09.2007 and quash the same and subsequently direct the respondents herein to Sub-Divide the land situated at Field Survey No.912/14, Adhinarayanapuram Natham, Neelambur Village, Palladam Taluk, measuring about 3250 sq. m., as Pavadi Lands.

For Petitioner : Mr.G.Karthikeyan

For Respondents : Mr.A.Anandan
Government Advocate



O R D E R

The petitioner has filed this writ petition seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the 4th respondent herein in O.Mu./E2/11934/07, dated 17.09.2007 and quash the same and subsequently to direct the respondents herein to Sub-Divide the land situated at Field Survey No.912/14, Adhinarayanapuram Natham, Neelambur Village, Palladam Taluk, measuring about 3250 sq. m., as Pavadi Lands.

2. The case of the petitioner is that, the petitioner community people have been doing weaving as family profession for the past several years and they depend only upon weaving for their livelihood. The petitioner community was provided with certain lands measuring around 50 cents to 150 cents to be used as Pavadi for processing the thread before weaving. Similarly, the weavers of the petitioner village were also provided with 70 cents of lands to be used as pavadi and they have been using the said lands as "Pavadi". Thereafter, the petitioner community made several representations requesting the Government authorities to cause a sub-division of the said lands used by the petitioner community people as Pavadi. While so, the 4th respondent sent a reply dated 15.05.1998 to the District Collector stating that, no patta can be granted as Pavadi. Aggrieved by the same, the petitioner community made several representations and finally, they sent a letter dated 19.06.2007 under the Right to Information Act, seeking details about the several representations made by the petitioner community. Thereafter, the 4th respondent sent a reply dated 17.09.2007 in O.Mu./E2/11934/07, rejecting the petitioner community's request to sub divide the Pavadi lands. Hence, this present petition is filed, challenging the impugned order dated 17.09.2007 passed by the 4th respondent.

3. The learned counsel for the petitioner submits that, though the petitioner community people claim patta for using the land as pavadi, however, he fairly conceded that the petitioner community does not want patta. Hence, it would suffice if this Court issues direction to the respondents to maintain the said lands as Pavadi and to permit the petitioner community people to proceed with the weaving and thread processing without any hindrance.

4. The learned Government Advocate has no objection for said order being passed and he fairly conceded that, the disputed properties will be maintained as Paavadi and the same will not be alienated for any other purpose.



5. Heard the arguments advanced by the learned counsel appearing for either side.

6. The lands, which are subject matter before this Court have been given as Pavadi lands for the purpose of the weaving community. Insofar as such lands are concerned it is to be pointed out that, All community lands which were allotted to a particular community for keeping their profession alive, cannot be alienated for any other purpose and it should be maintained as community land for lung space and also the patta for the said community land cannot be granted in favour of any of the individuals.

7. Though the impugned order has been challenged at the time of hearing, it is fairly conceded that, the petitioner community is not claiming patta for the disputed property and they need the said property for the purpose of processing the threads for weaving and not for personal usage. Hence, this Court, without expressing any opinion on the merits of the case, directs the respondents to maintain the said lands as Pavadi and the respondents shall not alienate the lands for any other purpose and the petitioner community people may be enabled to use the said lands for drying the threads.

8. In view of the fair submissions made by the learned counsel appearing on either side, this writ petition is closed with above direction No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Special Commissioner,
Land Reforms and Administration,
Chepauk, Chennai-5.
2. The District Collector,
Coimbatore District, Coimbatore.



3. The District Revenue Officer,
Palladam Taluk,
Coimbatore District.

4. The Tahsildhar,
Palladam Taluk,
Coimbatore District.

+lcc to Mr.G.Karthikeyan, Advocate, S.R.No.13201
+lcc to the Government Pleader, S.R.No.13808

W.P.No.20561 of 2008
and
M.P.No.01 of 2008

JP (CO)
PM/21/03/2022