



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.2680 of 2022

and

WMP No.2843 of 2022

Siddavatam Subramaniyam

...Petitioner

Versus

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

3.The Revenue Divisional Officer,
Hosur - 635 109,
Krishnagiri District.

4.The Tahsildar,
Hosur Taluk,
Hosur - 635 109,
Krishnagiri District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records relating to the Impuged Proceedings dated 01.10.2021 passed in Na.Ka.5900/2021/A2 on the file of the 4th respondent herein, quash the same and consequently direct the 4th respondent to cancel the erroneous classification of the petitioner's lands in S.F. Nos.454/3, 455/2 and 457, Avalapalli Village, Hosur Taluk, Krishnagiri District as "AD Condition" lands and to correct it as general lands in the present Village "A" Register and computerized "A" Register.

For Petitioner : Mr. K.Govi Ganesan

For Respondents : Mr.N.Veluchamy, Addl. Govt. Pleader



ORDER

This writ petition has been filed to quash the impugned Proceedings in Na.Ka.5900/2021/A2 dated 01.10.2021 passed by the 4th respondent and consequential direction to the 4th respondent to cancel the erroneous classification of the petitioner's lands in S.F. Nos.454/3, 455/2 and 457, Avalapalli Village, Hosur Taluk, Krishnagiri District as "AD Condition" lands and to correct it as general lands in the present Village "A" Register and computerized "A" Register.

2. It is the case of the petitioner that the petitioner is the owner of certain portion of lands in the Village and the particulars of survey number as well as extent are stipulated in the affidavit filed in support of this writ petition. According to the petitioner, the subject lands are Anatheenam, whereas as per revenue records the said lands are classified as AD Lands. Coming to know of the same, he submitted a representation, dated 03.04.2021 to the respondents to cancel the said entry in the revenue records and to re-classify the same, which was not taken into consideration, till the filing of writ petition in W.P. No.20388/2021. This Court while dismissing the said writ petition viz., W.P. No.20388 of 2021 on 7.12.2021, since order was passed, granted liberty to challenge the said order. Challenging the said impugned order in Na.Ka.5900/2021/A2, dated 01.10.2021, passed by the 4th respondent, this writ petition has been filed.

3. Learned counsel for the petitioner submitted that the subject lands were classified as "Punja" lands, but the revenue officials have erroneously entered the subject lands as A.D. Condition lands in the records. Further, without affording an opportunity to the petitioner, the impugned order has been passed by the 4th respondent, which is illegal and arbitrary. He further submits that though a larger relief is claimed by the petitioner, however, there is an alternative remedy available to the petitioner and, therefore, this Court, may grant permission to the petitioner to avail the said alternative remedy before the 1st respondent / Appellate Authority.

4. Mr.N.Veluchamy, learned Additional Government Pleader for respondents vehemently opposed the contention raised by the learned counsel for the petitioner and submitted that as per records, the subject lands were assigned to landless poor Adi Dravidars before 60 years. He also submits that the respondents have no power to reclassify the said lands as ordinary patta lands. Therefore, the order passed by the 4th respondent, which is impugned herein is proper in nature and no interference is warranted. Hence, he prays for mere dismissal of this writ petition.

5. This Court bestowed its best attention to contentions advanced by the learned counsel on either side and perused the materials available on record.



6. The petitioner claims that the subject lands belongs to him. Earlier, on 06.04.2022, this Court issued directions to the 2nd respondent to file a report in the above aspect. Pursuant to the directions of this Court, the 2nd respondent has filed a report. A careful perusal of the said report, reveals that in the said Village, a total extent of 15.32.5 hectares of land in different Survey numbers were classified as Adi Dravidar Condition Land. Considering the report in conjunction with the facts and circumstances of the case and there being an appellate remedy available, taking into consideration the limited request made by the learned counsel for the petitioner, this Court without going into the merits of directs the petitioner to file appropriate petition before the 1st respondent / Appellate Authority, within a period of two weeks from the date of receipt of a copy of this order. If such petition is filed by the petitioner, the 1st respondent shall entertain the same and pass orders on merits in accordance with law, after providing sufficient opportunity to the petitioner.

7. With the aforesaid directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

- 1.The District Collector,
Krishnagiri District, Krishnagiri.
- 2.The District Revenue Officer,
Krishnagiri District, Krishnagiri.
- 3.The Revenue Divisional Officer,
Hosur - 635 109,
Krishnagiri District.
- 4.The Tahsildar,
Hosur Taluk, Hosur - 635 109,
Krishnagiri District.

+1cc to Mr.K.Govi Ganesan, Advocate SR. No. 27016
+1cc to Government Pleader SR. No. 27521

W.P. No.2680 of 2022