



W.P. No.11751 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. Nos.11751, 11849, 16644 and 16665 of 2022

W.P.No.11751 of 2022

S.M.Hidayath Basha

... Petitioner

Vs.

- 1 The State Rep. by its Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George Chennai-600 009.
- 2 The Director,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Kamarajar Salai, Chennai-05.
- 3 The Commissioner,
Land Administration Department, Ezhilagam ,
Kamarajar Salai, Chennai-05.
- 4 The District Collector,
Vellore District-632 009.
- 5 Special Tahsildar,
Adi Dravidar and Tribal Welfare Department,
Gudiyatham-632 602.
- 6 The Tahsildar (Regular),
Revenue Department, Katpadi, Vellore.

... Respondents

Prayer in W.P.No.11751 of 2022: Writ Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus directing the



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respondents to implement the order dated 23.09.1994 made in W.P. No.4941 of 1985 thereby reclassify Survey No.366/3A and 366/4A as Grama Natham lands and consequently record the name of the petitioners in the Revenue Records including patta in the light of the orders of this Honourable High Court dated 23.09.1994, 02.03.2018 and 01.10.2021.

W.P.No.11849 of 2022

S.M.Mahaboob Basha

... Petitioner

Vs.

- 1 The State Rep. by its Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George Chennai-600 009.
- 2 The Director,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Kamarajar Salai, Chennai-05.
- 3 The Commissioner,
Land Administration Department, Ezhilagam ,
Kamarajar Salai, Chennai-05.
- 4 The District Collector,
Vellore District-632 009.
- 5 Special Tahsildar,
Adi Dravidar and Tribal Welfare Department,
Gudiyatham-632 602.
- 6 The Tahsildar (Regular),
Revenue Department, Katpadi, Vellore.

... Respondents

Prayer in W.P.No.11849 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to implement the order dated 23.09.1994 made in W.P. No.4941



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of 1985 thereby reclassify Survey No.366/3B and 366/4B as Grama Natham lands and consequently record the name of the petitioners in the Revenue Records including patta in the light of the orders of this Honourable High Court dated 23.09.1994, 02.03.2018 and 01.10.2021.

W.P.No.16644 of 2022

S.M.Hidayath Basha

... Petitioner

Vs.

- 1 The State Rep. by its Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George Chennai-600 009.
- 2 The Director,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Kamarajar Salai, Chennai-05.
- 3 The District Collector,
Vellore District-632 009.
4. The Special Tahsildar,
Adi Dravidar and Tribal Welfare Department,
Gudiyatham-632 602.
5. The Tahsildar,
Revenue Department, Katpadi, Vellore.
6. The District Adi Dravidar & Tribal Welfare Department Officer,
Vellore District.

... Respondents

Prayer in W.P.No.16644 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus call for and quash the proceedings of the 5th Respondent in Reference No. NaKa. B2/1835/ 2021 dated 12.10.2021 and consequential direction directing the



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5th Respondent to issue patta in petitioners name in respect of Survey No. 366/3A and 366/4A.

W.P.No.16665 of 2022

S.M.Mahaboob Basha

... Petitioner

Vs.

- 1 The State Rep. by its Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George Chennai-600 009.
- 2 The Director,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Kamarajar Salai, Chennai-05.
- 3 The District Collector,
Vellore District-632 009.
4. The Special Tahsildar,
Adi Dravidar and Tribal Welfare Department,
Gudiyatham-632 602.
5. The Tahsildar,
Revenue Department, Katpadi, Vellore.
6. The District Adi Dravidar & Tribal Welfare Department Officer,
Vellore District.

... Respondents

Prayer in W.P.No.16665 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for and quash the proceedings of the 5th Respondent in reference No. NaKa.B2 / 1835 / 2021 dated 12.10.2021 and consequential direction directing the 5th Respondent to issue Patta in Petitioners name in respect of Survey No. 366/3 and 366/4.



For Petitioner : Mrs.Vasudha Thiagarajan (in all the petitions)

For Respondent : Mr.Yogesh Kannadasan, SGP (in all the petitions)

COMMON ORDER

Since the issue involved in all the matters and the facts are one and the same. Therefore, all the petitions are disposed of by way of common order.

2. The petitioners are the absolute land owners of the lands covered in S.Nos.366/3A and 366/4A measuring an extent of 19 $\frac{3}{4}$ cents and 33 cents respectively and the said lands were proposed to be acquired for the purpose of Adi-Dravidar Housing Scheme. The said acquisition proceedings was challenged by one S.A.Rasheeq, who is petitioners' vendor, whose lands were covered in S.No.366/2A in W.P.No.4941 of 1985 before this Court and the same was allowed on 23.09.1994. Even thereafter, the revenue authorities have not mutated the revenue records and still the same stands in the name of the Adi Dravidar Welfare Department. Therefore, the petitioners made a representation before the 5th respondent on 17.02.2022 to implement the order of this Court in W.P.No.4941 of 1985 and the same was not considering and kept pending. Therefore, the petitioners have filed writ petitions in W.P.Nos.11751 & 11849 of 2022 before this Court. During pendency of the writ petitions, the revenue officials rejected the petitioners



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representation vide his proceedings dated 12.10.2021 and Challenging the said proceedings, the petitioners have filed writ petitions in W.P.Nos.16644 & 16665 of 2022 to quash the impugned orders.

3. The learned counsel for the petitioners submitted that admittedly, the petitioners' vendor filed a writ petition before this Court challenging the acquisition proceedings and this Court also quashed the entire land acquisition proceedings. Even thereafter, the respondents have not mutated the revenue record either in the name of the petitioners' vendor or in the name of the petitioners and even after 25 years, they have failed to implement the order of this Court, which is adversely affected the petitioners. Hence, the learned counsel prays to quash the impugned order passed by the respondents and allow the petitions and this Court may issue a direction to the respondents to implement the order of this Court dated 23.09.1994.

4. The learned Special Government Pleader appearing on behalf of the respondent, on instruction, submitted that admittedly, the land acquisition proceedings was quashed in respect of the petitioners' vendor and further, the Adi-Dravidar Welfare (ADW) has not taken any steps for mutation of revenue records and however, the ADW has sent the order of this Court to



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the Government for mutation of revenue records and awaiting for the decision of the Government.

5. Heard, learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

6. The facts of the case are not in dispute. The petitioners purchased the respective land from their vendor. Initially, the land acquisition proceedings were initiated under Act 31/1978. It is equally undisputed fact that the above said acquisition proceedings was quashed by this Court on 23.09.1994 and the said order become final and no appeal was filed against the order. When the order become final, it is the duty of the revenue officials to mutate the revenue records in the name of the petitioners or the petitioners vendor. Without doing so, they rejected the representation made by the petitioners is not sustainable and the impugned order passed by the 5th respondent is liable to be dismissed.

7. Accordingly, this Court sets aside the impugned order passed by the 5th respondent dated 12.10.2021 and directs the 5th respondent to mutate



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the revenue records in respect of the subject properties in favour of the petitioners within a period of six weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petitions are allowed. There shall be no order as to costs.

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Index : Yes / No
Speaking order : Yes / No
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To

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- 3 The Commissioner,
Land Administration Department, Ezhilagam ,
Kamarajar Salai, Chennai-05.
- 4 The District Collector,
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6 The Tahsildar (Regular),
Revenue Department, Katpadi, Vellore.

7. The District Adi Dravidar & Tribal Welfare Department Officer,
Vellore District.



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M.DHANDAPANI, J.
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