



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.13828 of 2021

Thekkampattan

...Petitioner

-Vs-

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Revenue Divisional Officer,
Arasur Taluk,
Thiruvannamalai District,
Thiruvannamalai.
3. The Tahsildar,
Arasur Taluk,
Thiruvannamalai District,
Thiruvannamalai.
4. Shanmugam
5. S.Ragunath

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to restore the allotted land in survey No.630 and 541/2 to the petitioner pursuant to the representation dated 19.06.2019 within a time frame fixed by this Court.

For Petitioner : Mr.K.Thenrajan

For Respondents

For R1 to R3: Mr.V.Jeevagiridharan
Additional Government Pleader

For R4 : Mr.Kumaresh Babu
For Mr.V.Balamurugane



ORDER

The Writ Petition has been filed to direct the first respondent to restore the allotted land in survey No.630 and 541/2 to the petitioner pursuant to the representation dated 19.06.2019 within a time frame.

2.The case of the petitioner is that land comprised in survey No.630 and 541/2 ad measuring 1.21 hectares was assigned in favour of the petitioner by the Government of Tamil Nadu under the scheme of lands to depressed class. In the year 1988, the fourth respondent, who was working in the highways department, threatened the petitioner to registered the property in the name of his mother-in-law. Further, the petitioner was forced to execute the sale deed dated 30.06.1988 in favour of her vide document No.1224/1988.

3.In the year 2013, the mother-in-law of the fourth respondent died and the wife of the fourth respondent, who is being the legal heir, executed a sale deed in favour of one Palani, in the year 2009, vide document No.815 of 2009. The said Palani once again conveyed the subject property in favour of the fifth respondent, who is the son of the fourth respondent herein, vide registered document No.2009 of 2013. Therefore, the petitioner made representation before the first respondent for issuance of patta in his favour by canceling the patta issued in the name of the fifth respondent, for the reason that the petitioner is the landless poor depressed class person and the subject land was classified as Panchami land which is assigned in his favour for his benefit. Therefore, the petitioner filed this Writ Petition with the above prayer.

4.Heard Mr.K.Thenrajan, learned counsel appearing for the petitioner, Mr.V.Jeevagiridharan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.Kumaresh Babu, learned counsel appearing for the fourth respondent.

5.On perusal of records, no evidence has been produced by the petitioner to prove that the subject land was assigned in his favour. Further there is no document to show that the subject land is classified as Panchami land, which was assigned in favour of the petitioner. On perusal of the A Register revealed that, the land was classified as Ryot Punja land stands in the name of the petitioner. In the year 1988, the petitioner himself executed a sale deed in favour of the fourth respondent's mother-in-law. After her demise, the legal heir of the fourth respondent's mother-in-law executed sale deed in favour of one Palani and in turn, he executed sale deed in favour of the fifth respondent. Further the petitioner submitted representation only in the year 2019, that too after several



transactions, subsequent to the execution of the sale deed by the petitioner. Therefore, the entire issues raised by the petitioner are civil in nature, as such the representation submitted by the petitioner cannot be considered by the respondents. Hence, the Writ Petition is devoid of merits and is liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rts

To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Revenue Divisional Officer,
Arasur Taluk,
Thiruvannamalai District,
Thiruvannamalai.
3. The Tahsildar,
Arasur Taluk,
Thiruvannamalai District,
Thiruvannamalai.

+1cc to M/s.V.Balamurugane, Advocate, S.R.No.8000

+1cc to the Government Pleader, S.R.No.8021

W.P. No.13828 of 2021

KSM(CO)
RGA(22/02/2022)