



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30299 of 2006

and

W.M.P.Nos.1 of 2006 & 1 of 2010

Kannan Sikari

... Petitioner

Vs.

1.The District Revenue Officer,
Vellore District, Collectorate Complex,
Sathuvachari, Vellore.

2.The Revenue Divisional Officer,
Collectorate Complex,
Sathuvachari, Vellore.

3. The Special Commissioner and Commissioner
of Land Administration,
Ezhilagam, Chepauk, Chennai - 5.

4.K.C.Mani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in Rc.No.G1/19422/02 dated 22.10.2005 on the file of the 3rd respondent and quash the same as illegal and forbear the 2nd respondent from taking possession of the property from the petitioner.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

O R D E R

This Writ Petition has filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records in Rc.No.G1/19422/02 dated 22.10.2005 on the file of the 3rd



respondent and quash the same as illegal and to forbear the 2nd respondent from taking possession of the property from the petitioner.

2. The case of the petitioner is that the disputed property situated in Kaniyambadi Pudur in S.No.164/4 originally belonged to the Government of Tamil Nadu and the same was assigned to one K.C.Mani, K.C.Annamalai and K.C.Arumugam belonging to Schedule Tribe community on condition that the land should not be transferred or sold to any person belonging to different community other than the Schedule Caste Community. The petitioner had purchased the property from the above said persons, by a registered sale deed dated 03.12.1987 and enjoying the same without any hindrance. While so, the 2nd respondent/The Revenue Divisional Officer initiated action against the petitioner under Section 3(1)(iv) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act 1989, vide his proceedings dated 20.11.2000 in Pa.Mu.9468/2000, without disclosing the petitioner's community and social status. Thereafter, the petitioner filed an application to grant anticipatory bail in CrI.O.P.No.24550 of 2000, and this Court granted anticipatory bail to the petitioner, whereas, the 2nd respondent initiated the proceedings for re-possession of the property and the petitioner has filed objections on 07.11.2000. Further, the petitioner explained that he belongs to Sikari Community called as IRULAR coming under the category of Schedule Tribe as prescribed by the Government of Tamil Nadu in the SC and ST list. However, without considering the same, the 2nd respondent passed an order dated 20.11.2000, for re-possession of the property and also recommended for prosecution. Thereafter, the petitioner preferred an appeal before the 1st respondent against the order of the 2nd respondent in respect of re-possession of the property, and the said appeal was dismissed on 06.10.2001 and the respondents have simply stated that the property was purchased by non Schedule Caste persons and directed themselves to re-possess the property. When such being the case, the petitioner filed revision before the 3rd respondent and submitted that the petitioner belongs to Vettaikaran Community, which is commonly called as Sikari, which is a Scheduled Tribes ("in short, ST") as per the list of communities published by the Central Government and submitted copies of the old records issued by the Central Government and State Government. However, the 3rd respondent classified the petitioner under Most Backward Class and relied upon the judgment pronounced by the Principal Sessions Judge, Vellore dated 21.03.2003 in S.C.No.109/02. Challenging the said order, the petitioner has filed the present Writ Petition.



3. The learned counsel for the petitioner submits that, as on date, the petitioner is not in possession of valid Community Certificate in respect of ST community and he further fairly submitted that Village Administrative Officer is not the competent authority to issue ST certificate in respect of ST people. Further, the learned counsel for the petitioner seeks liberty to make a fresh application before the 2nd respondent/Revenue Divisional Officer for obtaining appropriate Community Certificate. Upon receipt of the Community Certificate, the petitioner may be granted liberty to file appropriate application before the 3rd respondent for necessary claim in respect of the disputed land, which was proposed by the authorities.

4. The learned Additional Government Pleader for the respondents has no objection for the above submission made by the petitioner.

5. Facts in the present case are not in dispute. Admittedly, the petitioner claims that he belongs to Sikari community and he is entitled to purchase the disputed property from other ST people, as he belongs to ST community. However, the fact remains that the petitioner was unable to produce valid Community Certificate to show that he belongs to ST community and in the absence of Community Certificate, this Court is not inclined to interfere with the order passed by the 3rd respondent. Therefore, this Writ Petition is liable to be dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law.

6. Accordingly, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

jd/skt

To

1.The District Revenue Officer,
Vellore District, Collectorate Complex,
Sathuvachari, Vellore.



2.The Revenue Divisional Officer,
Collectorate Complex,
Sathuvachari, Vellore.

3.The Special Commissioner and Commissioner
of Land Administration,
Ezhilagam, Chepauk, Chennai - 5.

+1cc to Mr.A.Thiyagarajan, Advocate SR.No.11809
+1cc to the Government Pleader, SR.No.12307

W.P.No.30299 of 2006
and

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NMI (CO)
CB(31/03/2022)