



W.P(MD)No.9417 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9417 of 2019

and

W.M.P.(MD)No.7428 of 2019

1.S.Balamurugan

2.S.Vel Ram Prasad

... Petitioners

Vs.

1.The Secretary,
Adi Dravidar Welfare Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Secretary,
Revenue Department,
Secretariat, Fort St.George,
Chennai – 600 009.

3.The Secretary,
National Commission for Scheduled Caste,
5th Floor, Lok Nayak Bhawan,
Khan Karket, New Delhi – 100 003.

4.The District Collector,
O/o. the District Collector,
Theni District – 625 531.

5.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thamarikuklam, Periyakulam,
Theni District – 625 531.



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6.The Tahsildar,
Theni Taluk,
Theni District.

7.B.Ilancheliyan

8.Shenbhaga Priya

9.The Sub Registrar,
O/o. the Sub Registrar,
Chinnamanur,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4th respondent consider the petitioners' representation dated 11/01/2019 by conducting enquiry with the petitioners and 7th, 8th respondents within the stipulated time and pass an award in merit by verifying the title records of the property in Survey No.19(1) at Kottur village Theni District to an extent of 2 Acres and 97 cents from both parties.

For Petitioners : No appearance

For Respondents : Mr.M.Lingadurai,
Spl. Govt. Pleader for R1, R2, R4 to R6.
Mr.S.Shanmugavel,
Addl. Government Pleader for R9
Mr.M.Ajmalkhan, Senior Counsel,
For M/s.Ajmal Associates for R7 & R8.
No appearance for R3.



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ORDER

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None appears for the petitioners.

2.It is seen from the records that the property belonged to the petitioner's grandfather/Ramasamy. Ramasamy died in the year 1968. It devolved in favour the petitioner's father/Subbhuraj and his siblings. The property appears to have been partitioned among them. The petitioner's father's siblings sold the property that devolved in their favour in favour of Joseph Kurian in the year 1995. The said Joseph Kurian had sold the same in favour of one Arifa Bathiudeen in the year 2007. The petitioner's father sold his share in favour of very same Arifa Bathiudeen in the year 2010. The said Arifa Bathiudeen sold the entire extent in favour the respondents 7 and 8 in the year 2015. The learned senior counsel would contend that purchase by the private respondents was in good faith and for valuable consideration and the revenue records have also been mutated in their favour.

3.Fortunately for the private respondents, the District Collector in his counter affidavit has also taken stand that the land in question is not a panchami land. In these circumstances, the question of this Court issuing Writ of



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Mandamus as prayed for does not arise. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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