



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

CORAM

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.16815 of 2022andW.M.P. (MD) .No.12202 of 2022

T.Ramani Gopaal

... Petitioner

Vs.

1.The Commissioner of Land Administration,
Ezhilagam 2nd Floor,
Chepakkam,
Chennai 600 005.

2.The District Collector,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
Melur (AT), Vellaripatti,
Vellaripatti 625 122.

4.The Tahsildar,
Melur Taluk Office,
Melur 625 106.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to effect necessary mutation in all the revenue records and online correction such as patta, chitta, 'A' Register, Village Adangal in the name of the petitioner S.Nos.124/1, 124/2, 127/3, 129/2, 129/3 and 124/3 in the name and ownership of his wife Smt.R.Shelvi Devi situated at 77, Ambalakaranpatti, Melur Taluk, Madurai District within the time frame fixed by this Court.

For Petitioner : Mr.T.Ramani Gopal
Party in person

For R1 to R4 : Mr.D.Gandhiraj
Special Government Pleader



O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to effect necessary mutation in all the revenue records and online correction such as patta, chitta, 'A' Register, Village Adangal in S.Nos.124/1, 124/2, 127/3, 129/2, 129/3 and 124/3 in the name and ownership of his wife Smt.R.Shelvi Devi situated at 77, Ambalakaranpatti, Melur Taluk, Madurai District.

2. The case of the petitioner is that the lands in question were classified as Government Assessed Waste Dry (AWD) Lands in the settlement A-Register of the year 1918 and the lands in S.Nos.124/1, 124/2, 127/3, 129/2 and 124/3 situated at Ambalakaranpatti Village, Madurai Taluk were assigned to various persons under Revenue Standing Order No.15 on free of cost during the year 1960-61 and the petitioner and his wife have purchased the said lands in the year 1994 through registered sale documents for valid consideration and the pattas for the lands were mutated in the name of the writ petitioner T.Ramani Gopal in Patta No.267 and Patta No.451 was mutated in the name of Tmt.Shelvi Devi in respect of land in S.No.124/3 situated at Ambalakaranpatti Village vide Melur Tahsildar's proceedings in Na.Ka.No.9679/94/612, dated 12.12.1994. The classification of the said lands were changed as "Panchamar Tharisu" in the revenue records vide Letter No.M1/5091/95, dated 01.04.1998, of the first respondent and also vide D.O. Letter No.12244/2010/K, dated 10.04.2012 of the 3rd respondent and also as per D.O. Letter No.AA3/7075/2010, dated 15.05.2012 of the 2nd respondent and also with reference to the Notification of depressed class lands in Ambalakaranpatti Village, Melur Taluk published in the Gazette in the year 1934.

3. Aggrieved against the said change of land classification, the petitioner has filed various writ petitions in W.P.(MD).No.12546 of 2015 and W.P.(MD).No.2405 of 2016 praying to delete the entries regarding the classification as 'Panchamar Tharisu Lands' and to restore the same to its original position as Patta lands in the name of the petitioner. Further, the Contempt Petition (MD).No.1526 of 2019 in W.P.(MD).No.2405 of 2016 was also filed by the petitioner and as per order dated 16.12.2019 of this Court, the pattas were mutated and computer patta was issued in Patta Nos.267 and 451 of the said village in the name of the petitioner and his wife subject to the outcome of the appeal petition pending before the 3rd respondent. The 3rd respondent after conducting a detailed enquiry, vide her proceedings in Na.Ka.No.2707/2019/Aa3, dated 26.02.2020, has cancelled the patta issued in the name of the petitioner and his wife and ordered to reclassify the land as Panchamar Tharisu again.

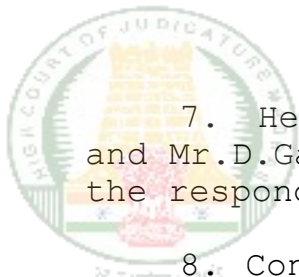
4. Aggrieved against the same, the (*)respondents have filed a writ appeal in W.A.(MD).No.1064 of 2019 and subsequently a contempt



petition in Cont.P. (MD).No.1052 of 2020 was filed against the respondents. This Court, by order dated 18.02.2021, has directed the District Revenue Officer, Madurai to dispose the revision petition within a period of three months from the date of receipt of the order. As directed by this Court, the District Revenue Officer, Madurai has conducted a detailed enquiry and vide proceedings in Na.Ka.No.70058/2009/J1, dated 19.06.2021, has allowed the revision petition preferred by the writ petitioner and cancelled the 3rd respondent's proceedings in Na.Ka.No.2707/2017/Aa3 dated 26.02.2020 and confirmed that the lands in question are only patta Punja lands and not Panchami Lands' and also ordered to restore the land classification.

5. The petitioner having aggrieved over the order pertaining to the lands in S.Nos. (*)124/1 and 124/3, has preferred a revision petition before the District Revenue Officer, on 22.06.2021 and the same was rejected. Against the revision order and the rejection of review petition, the petitioner has preferred an appeal on 19.08.2021 before the first respondent and the same is pending adjudication. In such circumstances, the petitioner has filed the present writ petition, seeking direction to the respondents to effect necessary mutation in all the revenue records and online correction such as patta, chitta, 'A' Register, Village Adangal in S.Nos.124/1, 124/2, 127/3, 129/2, 129/3 and 124/3.

6. The learned Special Government Pleader appearing for the respondents has filed a counter stating that the petitioner has preferred an appeal before the first respondent on **(*)19.08.2021**, against the order of the District Revenue Officer, Madurai and the same is pending. It is also stated that necessary proposals along with connected records of enquiry and all other relevant records have been submitted on 03.11.2021 and the order of the first respondent is awaited. Hence, the request of the petitioner could not be accepted at present and it may be rejected as premature in nature. As per the order of this Court, the District Revenue Officer, Madurai vide her proceedings in Na.Ka.No.70058/2009/J1, dated 19.06.2021, partly allowing the revision petition and also disallowing the claim in respect of certain lands under dispute due to the non-production of sale deed and also due to the defective sale deeds in respect of lands in S.Nos.127/3, 124/1 and 124/3 situated at Ambalakaranpatti Village, Melur Taluk. The petitioner has preferred an appeal against the said order, dated **(*)19.08.2021**, before the first respondent and necessary proposals have been sent to the first respondent along with the connected records of enquiry and only on receipt of specific order and concurrence from the 1st respondent, further action regarding the issuance of patta in the name of the petitioner and his wife could be considered. Hence, the contentions of the petitioner may be rejected as devoid of merits.



7. Heard Mr.T.Ramani Gopaal, the petitioner (party-1) and Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents.

8. Considering the above facts, this Court is of the view that the prayer sought for by the petitioner cannot be considered at this juncture as the appeal preferred by the petitioner is pending before the first respondent. Hence, the first respondent is directed to pass appropriate orders on the appeal filed by the petitioner dated **(*)19.08.2021**, after giving necessary opportunities to the petitioner, his wife and the other parties interested, within a period of sixteen weeks from the date of receipt of a copy of this order.

(*)9.The learned Special Government Pleader appearing for the respondents 1 to 4 has produced the G.O.(Ms).No.12, dated 04.03.2022 and submitted that orders were issued for constitution of a State Level Committee to review and recommend to Government and to explore the possibilities of restoring the Panchami Lands which vest with non-panchamars, as per the order of this Court in W.P.No.24818 of 2015.

10. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

(*)Corrected as per the order of this Court dated 24.11.2022 made in W.P(MD)No.16815 of 2022

Sd/-

Assistant Registrar (CO)

// True Copy //

/01/2023

Sub Assistant Registrar(CS)

akv

To

(*) To be substituted to the order already despatched on 21/11/2022

1.The Commissioner of Land Administration,
Ezhilagam 2nd Floor,
Chepakam,
Chennai 600 005.



2.The District Collector,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
Melur (AT), Vellaripatti,
Vellaripatti 625 122.

4.The Tahsildar,
Melur Taluk Office,
Melur 625 106.

+1 CC to M/s.T.RAMANI GOPAAL, Advocate (SR-12500[I] dated
07/11/2022)

+1 CC to M/s.SPL.GP (SR-53745[F] dated 09/11/2022)

W.P. (MD) No.16815 of 2022

07.11.2022

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