



W.P(MD).No.18098 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.18098 of 2016

and

W.M.P(MD) Nos.13051 of 2016 and 17663 of 2021

S.Sundararajan

... Petitioner

-VS-

1. The District Collector,
Madurai District.
2. The District Revenue Officer,
Madurai Revenue Office,
Madurai.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Madurai.
4. The Tahsildar,
Melur Taluk,
Madurai District.
5. The Deputy Tahsildar (Head quarters)
Melur Taluk,
Madurai District.

.... Respondents

R-5 is *suo-motu* impleaded vide order
of this Court, dated 24.11.2022
in W.P(MD) No.18098 of 2016)



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to re-classify the land in Survey Nos.395/1A and 395/1B of Boodhamangalam Village, Melur Taluk, Madurai District as “Dry Land” (Tharisu) instead of “Panjami land”.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.A.Sivanupandian
Government Advocate

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus directing the respondents to re-classify the land in Survey Nos.395/1A and 395/1B of Boodhamangalam Village, Melur Taluk, Madurai District as “Dry Lands” instead of “Panjami Lands”.

2. According to the learned counsel for the petitioner, his father, viz., S.Sundarakone, was granted an order of assignment by an order, dated 19.08.1959 for an extent of 1.74 Acres in S.No. 395/1. At the time of assignment, the land was classified as AWD land. The revenue records also



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reflected the name of the writ petitioner's father as the owner of the property. Thereafter, after the death of petitioner's father, Revenue Patta was also granted in favour of the writ petitioner in Patta No.837, for the above said survey numbers, apart from other survey numbers.

3. The learned counsel for the petitioner has further contended that suddenly these two sub-divisions have been declared as Government Poramboke with a remark in Column No.12 as “Panjami-Tharisu”. Though the petitioner has made several representations to re-classify the same and restore the classification as AWD, there was no response from the authorities. Hence, the present Writ Petition has been filed.

4. Per contra, the fourth respondent has filed a counter and contended that the authority to decide about the classification or re-classification of the land is the Commissioner of Land Administration. By a Circular, dated 01.04.1998, the Commissioner of Land Administration had directed the District Level Authorities to find out the “Panchami-Tharisu” all over the State and recover the lands from the persons who are in illegal occupation. Only based upon the said Circular of the Commissioner of Land



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Administration, the fourth respondent had classified the Survey number in dispute as Panchami Lands and also made remarks, that they are not in occupation of Aadhi Dravidar People.

5. According to the learned counsel for the fourth respondent, the entire proceedings have been conducted by the respondents only after due process of law. He has further contended that the present relief has been sought for as against the fourth respondent and the same is not maintainable, in view of the facts that they are not a authority concerned to reclassify the lands. Since the Commissioner of Land Administration has not been made as a party, the present Writ Petition is not maintainable.

6. I have carefully considered the submissions made on either side.

7. The Special Deputy Tahsildar, (Assignment) had passed an order on 19.08.1959 granting an order of assignment for 1.74 Acres in S.No.395/1 to the writ petitioner's father. As per the said order of assignment, the classification of the land was Assessed Waste Dry (AWD). Hence, there cannot be any dispute in the order of assignment that was passed and it was



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classified only as Assessed Waste Dry and not a Panchami – Tharisu.

8. The contention of the official respondents is that the Commissioner of Land Administration has issued a Circular, on 01.04.1998 to find out the Panchami Lands and restore the same from the illegal occupation of the Non-Aadhi Dravidar People. It is to be pointed that the petitioner's lands were not specifically pointed out as Panchami Tharisu by the Commissioner of Land Administration. It was only a general Circular issued to all the authorities in the State to verify /identify the Panchami-Lands and restore the same to the Aadhi Dravidar People.

9. The District Level Authorities have arrived at a finding that Survey Nos 395/1A and 395/1B are Panchami Tharisu and re-classified the same as Panchami Tharisu from AWD. Hence, it is clear that the reclassification of the land has been done only by the fourth respondent herein and not by the Commissioner of Land Administration. In view of the specific stand taken by the fourth respondent in the counter that only the Commissioner of Land Administration is competent to classify or reclassify the land, the order of the respondents 4 and 5 herein in reclassifying as AWD lands as “Panchami Tharisu” is clearly without jurisdiction.



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10. In view of the above said facts, the respondents 4 and 5 herein are directed to restore the classification of Survey Nos. 395/1A and 395/1B as AWD lands in the name of the writ petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. In case, if the authorities feel that it is a Panchami Land, it is for them to send intimation to the Commissioner of Land Administration for appropriate proceedings.

11. With the above said observations, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No
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R.VIJAYAKUMAR,J.

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