



WEB COPY

W.P.Nos.23726, 23733, 23737, 23740, and 23742 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.23726, 23733, 23737, 23740 and 23742 of 2022

and

W.M.P.Nos.22675, 22688, 22690, 22699, 22700, 22692, 22693, 22703,
and 22704 of 2022

W.P.No. 23726 of 2022

Mr.Henry

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by Principal Secretary of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai – 600 005.
- 2.The District Collector,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.
- 3.The District Revenue Officer,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.
- 4.The Revenue Divisional Officer,
Office of the Collectorate,
Kallakurichi,



Tamil Nadu – 605 202.

5.The Tahsildar,
Chinna Salem,
Kallakurichi District.

6.Thiru.R.Durai

7.Thiru Dhevaraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent herein in his proceedings in Ni. Mu. A2 / 2659 / 2020 dated 28.12.2021 and quash the same and consequently direct the respondents herein not to interfere with the peaceful possession and enjoyment of petitioners property measuring an extent of 2 Acres 55 cents situated at S. No. 82 / 4 and 82 /7 Pusappadi village Kallakurichi taluk kallakurichi district .

W.P.No.23733 of 2022

Vishwanath

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Principal Secretary of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Collector,
Office of the Collectorate,



Kallakurichi, Tamil Nadu – 605 202.

3.The District Revenue Officer,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.

4.The Revenue Divisional Officer,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.

5.The Tahsildar,
Chinna Salem,
Kallakurichi District.

6.Thiru.R.Durai

7.Thiru Dhevaraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent herein in his proceedings in Ni. Mu. A2 / 2659 / 2020 dated 28.12.2021 and quash the same and consequently direct the respondents herein not to interfere with the peaceful possession and enjoyment of petitioners property measuring an extent of 1 Acres 41 cents situated at S. No. 14/1 and 14 / 5 Pusappadi village Kallakurichi Taluk, Kallakurichi District.



W.P.No.23737 of 2022

WEB COPY

Mr.Natesan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Principal Secretary of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Collector,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.

3.The District Revenue Officer,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.

4.The Revenue Divisional Officer,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.

5.The Tahsildar,
Chinna Salem,
Kallakurichi District.

6.Thiru.R.Durai

7.Thiru Dhevaraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,



to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent herein in his proceedings in Ni. Mu. A2 / 2659 / 2020 dated 28.12.2021 and quash the same and consequently direct the respondents herein not to interfere with the peaceful possession and enjoyment of petitioners property measuring an extent of 1 Acres 24 cents situated at S. No. 77/1 C and 81 / 4 Pusappadi village Kallakurichi Taluk, Kallakurichi District.

W.P.No.23740 of 2022

Mr.Seeralan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by Principal Secretary of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai – 600 005.
- 2.The District Collector,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.
- 3.The District Revenue Officer,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.
- 4.The Revenue Divisional Officer,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.



5.The Tahsildar,
Chinna Salem,
Kallakurichi District.

6.Thiru.R.Durai

7.Thiru Dhevaraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent herein in his proceedings in Ni. Mu. A2 / 2659 / 2020 dated 28.12.2021 and quash the same and consequently direct the respondents herein not to interfere with the peaceful possession and enjoyment of petitioners property measuring an extent of 1 Acres 13 cents situated at S. No. 80/1A and 80/1H Pusappadi village Kallakurichi Taluk, Kallakurichi District.

W.P.No.23742 of 2022

Mr.Chinnasamy

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Principal Secretary of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Collector,
Office of the Collectorate,
Kallakurichi,



Tamil Nadu – 605 202.

3.The District Revenue Officer,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.

4.The Revenue Divisional Officer,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.

5.The Tahsildar,
Chinna Salem,
Kallakurichi District.

6.Thiru.R.Durai

7.Thiru Dhevaraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent herein in his proceedings in Ni. Mu. A2 / 2659 / 2020 dated 28.12.2021 and quash the same and consequently direct the respondents herein not to interfere with the peaceful possession and enjoyment of petitioners property measuring an extent of 3 Acres 20 cents situated at S. No. 82/2 Pusappadi village Kallakurichi Taluk, Kallakurichi District.

For Petitioners
For R1 to R5

: Mr.J.Prakasam (in all W.Ps)
: Mr.T.Arunkumar,
Additional Government Pleader



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For R6 & R7

(in all W.Ps)
: No appearance (in all W.Ps)

COMMON ORDER

The order passed by the Revenue Divisional Officer, Kallakurichi is sought to be quashed in the present writ petitions.

2. The claim of the petitioners is that the said lands are not DC lands. The petitioners states that they are not in occupation and enjoyment of the subject land for several years. The land was settled for valid consideration and therefore the order of the Revenue Divisional Officer is perverse.

3. The order of the Revenue Divisional Officer reveals that the subject land has been allotted for depressed class community people. Therefore, a complaint was registered before the National Commission for Scheduled Caste Community and the Commission passed an order to conduct an enquiry. Based on the enquiry, the Revenue Divisional Officer held that the subject land belonging to the Government was allotted for the welfare of the Adi dravida People. It is classified as 'Tarisu' and therefore, an order was passed to cancel the Patta erroneously, granted in favour other person and to



restore the land for the benefit of the Adi Dravida Community people.

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4. Such lands allotted for Adi Dravida people are to be assigned by verifying the eligibility for the welfare scheme to provide land at free of cost for the upliftment of the scheduled castes community people. The landless persons are eligible for such assignment and the eligibility conditions are to be scrupulously followed by the Authorities.

5. The petitioners claim right from the subject property. The Revenue Divisional Officer in his order impugned stated that an appeal may be filed within a period of 30 days from the District Revenue Officer. The learned Counsel for the petitioner states that the Revenue Divisional Officer is an incompetent Authority.

6. May that as it be, the order itself stipulates a provision for an appeal to be filed before the District Revenue Officer and accordingly the petitioners have already preferred an appeal before the District Revenue Officer.

7. Exhausting the appellate remedy is a paramount important. Factual



findings are relevant in the present case. Such factual findings would be of greater assistance for the High Court for the effective exercise of the powers of the Judicial Review.

8. The District Revenue Officer is competent to decide the issues relating to the classification of land and more specifically DC lands. This being the factum, the petitioners are at liberty to submit their objections and documents if any, before the District Revenue Officer, Kallakurichi for establishing their case. The petitioners are also at liberty to file an appeal before the District Revenue Officer, Kallakurichi, who shall entertain the same and decide the same on merit. The District Revenue Officer, Kallakurichi is directed to conduct an enquiry by affording an opportunity to all parties and pass appropriate orders on merits and in accordance with law as expeditiously possible and preferably within a period of three (3) months from the date of receipt of a copy of this order.

9. With these directions, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.



21.09.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

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Tamil Nadu – 605 202.
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Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.
- 5.The Tahsildar,
Chinna Salem,
Kallakurichi District.



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S.M.SUBRAMANIAM, J.

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