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W.P.Nos.1271,1277,17879 &17883 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.1271, 1277, 17879 &17883 of 2022

and

W.M.P.Nos.1380, 17074, 1387, 17226, 17228 & 17229 of 2022

- | | |
|------------------------|--|
| 1.Mr.Sakkara Rasu | ... Petitioner in
W.P.No.1271 of 2022. |
| 2.Mr.Joseph Sagaya Raj | ... Petitioner in
W.P.No.1277 of 2022. |
| 3.Gobi @ Periyasamy | ... Petitioner in
W.P.No.17879 of 2022. |
| 4.P.Thangaraj | ... Petitioner in
W.P.No.17883 of 2022. |

Vs

- 1.The State of Tamil Nadu,
Rep.by Principal Secretary of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai – 600 005.
... 1st Respondent only in W.P.Nos.1271 & 1277 of 2022
- 2.The District Collector,
Office of the Collectorate,
Kallakurichi,
Tamil Nadu – 605 202.



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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 Thahsildar,
Chinna Salem,
Kallakurichi District.

6.Thiru.R.Durai

7.Thiru.Dhevaraj

... Respondents

(R.1 to 6 in W.P.Nos.17879 & 17883 of 2022)

and (R.2 to 7 in W.P.Nos.1271 & 1277 of 2022)

Prayer in W.P.No.1271 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call 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 petitioner's property measuring an extent of 4 acres 39 cents situated at S.No.78/2B, 79/2B, 79/4A & 81/1 Pusappadi Village, Kallakurichi Taluk, Kallakurichi District.



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Prayer in W.P.No.1277 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call 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 petitioner's property measuring an extent of 90 Cents and 48 Cents situated at S.No.76/1 and 82/6 Pusappadi Village, Kallakurichi Taluk, Kallakurichi District.

Prayer in W.P.No.17879 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order passed in NI.MU.A2/2659/2020 dated 28.12.2021 passed by the 3rd respondent, quash the same and consequently direct the respondents to restore the mutation of the revenue records in the name of the petitioner in respect of the property measuring an extent of 80 Cents in S.No.88/2B, 75 cents in S.F.No.88/3A, 5 cents in S.F.No.88/3B and 2.45 Acres in S.F.No.89/2B of Poosappadi Village, Chinna Salem Taluk, Kallakurichi.

Prayer in W.P.No.17883 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order dated in Ni. Mu. A2 / 2659 / 2020 dated 28.12.2021 passed by the 3rd respondent, quash the same and consequently direct the respondents to restore the mutation of the revenue



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records in the name of the petitioner in respect of the properties measuring 0.37.5 Hrs in S.F. No. 88 /1A, 0.01.5 Hrs in S.F. No. 88/ 1B, 1.17.0 Hrs in S.F.No.88/ 2A, 0.06.0 Hrs in S.F. No.88/ 2C, 2.02.5 Hrs in S.F. No.89/1 and 0.21.0 Hrs in S.F. No.89/ 2A of Poosappadi Village, Chinna Salem Taluk, Kallakurichi District.

For Petitioners in all W.Ps. : Mr.J.Prakasam

For R1 to R5 in
**W.P.Nos.1271 &
1277 of 2022** and
For R1 to R4 in
**W.P.Nos.17879 &
17883 of 2022**

: Mr.T.Arunkumar,
Additional Government Pleader.

For R6 and R7 in
**W.P.Nos.1271 &
1277 of 2022** and
For R5 and R6 in
**WP.Nos.17879 &
17883 of 2022**

: Mr.S.Sathiachandran

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 state that they are in occupation and enjoyment of the subject land for several years. The land was settled for valid consideration and



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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. 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 “Tharisu”. Therefore, an order was passed to cancel the Patta erroneously granted in favour of other persons and to restore the land for the benefit of the Adi Dravida Community people.

4. Such lands allotted for Adi Dravida people are to be assigned by verifying the eligibility and the very scheme is to provide land at free of cost for the upliftment of the Scheduled Caste 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 over the subject property. The Revenue



Divisional Officer in his order impugned stated that an appeal may be filed within a period of 30 days before the District Revenue Officer. The learned Counsel for the petitioners state 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 of paramount importance. Factual findings are relevant in the present case. Such factual findings would be of greater assistance to 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



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establishing their case. The petitioners who have not filed the Appeal are also at liberty to file an appeal before the District Revenue Officer, Kallakurichi, who shall entertain the same and decide the issues 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.

14.09.2023

Index : Yes / No
Speaking order/Non-Speaking order
Neutral Citation : Yes / No
(veda/sha)



To

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Rep.by Principal Secretary of Land Administration,
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2nd Floor, Ezhilagam, Chepauk,
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- 2.The District Collector,
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Kallakurichi,
Tamil Nadu – 605 202.
- 3.The District Revenue Officer,
Office of the Collectorate,
Kallakurichi,
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