



WEB COPY

W.P.No.24682 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24682 of 2022
and
W.M.P.No.23633 of 2022

Mr.Devandiran

... 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.



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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 petitioner's property measuring an extent of 2 Acres 25 Cents situated at S. No. 76 /2, Pusappadi Village, Kallakurichi Taluk, Kallakurichi District.

For Petitioner	: Mr.J.Prakasam
For R1 to R5	: Mr.T.Arunkumar, Additional Government Pleader
For R6 & R7	: No appearance

ORDER

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

2. The claim of the petitioner is that the said lands are not DC lands.

The petitioner states that he is 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.

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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.

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.



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5. The petitioner 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 petitioner is at liberty to submit their objections and



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documents if any, before the District Revenue Officer, Kallakurichi for establishing their case. The petitioner is 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 Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes

Speaking order

Neutral Citation : Yes

To



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Land Administration Department,
2nd Floor, Ezhilagam, Chempauk,
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- 2.The District Collector,
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S.M.SUBRAMANIAM, J.

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