



WEB COPY

W.P.No.36150 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.36150 of 2015

and

M.P.Nos.1, 2 of 2015 & W.M.P.No.9181 of 2018

A.Palani (Died)

1.P.Vasanth

2.P.Saraswathy

3.P.Thirumanikandan

4.P.Thiruneelakandan

... Petitioners

[P1 to P4 are substituted as LR's of the sole petitioner A.Palani by order dated 25.08.2023 in WMP.No.31218/2022 in WP.No.36150/2015]

Vs.

1.The Principal Secretary and Commissioner of
Land Administration,
Chepauk,
Chennai 600 005.

2.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.



3.The Revenue Divisional Officer,
Thiruvannamalai Division,
Thiruvannamalai.

4.The Tahsildar,
Kalasapakkam Taluk,
(Formerly Polur Taluk)
Thiruvannamalai District.

5.Ilavarasu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in connection with the impugned order passed by him in Rc.No.G2/2738/2005 dated 27.02.2013, conforming the order passed by the 2nd respondent in Rc.No.B4/26859/2000 dated 31.05.2005 conforming the orders passed by the 3rd respondent in Pazha (A4) 2689/95 dated 31.05.2000 and quash the same and further direct the respondent to restore the petitioner name in the Revenue Records.

For Petitioners : Mr.D.Harihara Sudhan
For Mr.S.Siva Kumar

For R1 to R4 : Mr.E.Sundaram
Government Advocate

For R5 : No Appearance



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ORDER

The order passed by the Principal Secretary and Commissioner of Land Administration confirming the orders passed by the Revenue Divisional Office and the District Revenue Officer is under challenge in the present writ petition.

2. The petitioner states that he owns and possesses the property situated at Thennagaram Village, Polur Taluk, Thiruvannamalai District in Survey No.1/2 measuring to an extent of 0.39.5 Hectares. The petitioner acquired the said land through a deed of settlement executed by Mr. Goivndasamy Gounder in Document No.240 of 1970 dated 06.01.1970. The said Govindasamy Gounder acquired the land by way of an assignment from the Government. From the date of execution of the settlement deed, the father of the petitioner was in possession and after the demise of his father the petitioner is in possession and enjoyment of the property.

3. As per the petitioner, his vendor was an assignee. Thus, the Government assigned the land in favour of one Mr.Govindasamy Gounder. The 5th respondent made a claim that he is in possession of the property



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belonging to the Government. The dispute was between the petitioner and the 5th respondent, which was adjudicated by the Revenue Divisional Officer, who in turn held that the 5th respondent is in possession of the assigned land and cultivating the land. Accordingly, the Revenue Divisional Officer rejected the petition filed by Mr.Palani Gounder / petitioner. The petitioner preferred an appeal before the District Revenue Officer, who in turn confirmed the order of the Revenue Divisional Officer in proceedings dated 31.05.2005. Thereafter, the petitioner preferred a Revision before the Commissioner of Land Administration, Chennai on 27.07.2005. The Commissioner of Land Administration conducted an enquiry by affording opportunity to the parties. The findings made by the Commissioner of land Administration reveals that during adangal between 1397 to 1413 faslis and found that during faslis 1397, 1398, 1399, 1400, 1403, 1408, 1409, the assignee has cultivated the land in S.No.1/2. Based on the said observations of the Revenue Divisional Officer, which was made by verifying the records, the commissioner arrived at a conclusion that the land in question is in continuous enjoyment of the 5th respondent.



4. The 5th respondent was found to be an eligible person for the assignment. He has violated the assignment conditions and continuously cultivating the Government land. Thus, the assignment was confirmed by the Revenue Divisional Officer. Since the authorities namely the Revenue Divisional Officer and District Revenue Officer and the Commissioner of Land Administration, concurrently held that the 5th respondent is in possession of the assigned land and continuously cultivating the land, there is no reason to interfere with the orders passed by the authorities concerned. Thus, the petitioner has not made any acceptable ground for considering the relief.

5. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

25.08.2023
(2/2)

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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