



W.P.No.11127 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11127 of 2023

and

W.M.P.Nos.10981 to 10983 of 2023

1.P.Poosamooopar
2.P.Rajangam Poosamooopar
3.P.Poosamooopar

...Petitioners

Vs

1.The Special Commissioner,
Land Administration Department,
Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Collector,
Office of the Collectorate,
Kallakurichi District – 606 202.

3.The District Revenue Officer,
Office of the Collectorate,
Kallakurichi District – 606 202.

4.The Revenue Divisional Officer,
Office of the Collectorate,
Kallakurichi District – 606 202.



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5. The Revenue Tahsildar,
Chinna Salem Taluk,
Kallakurichi District.

...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 relating to the impugned order in Proc.No.R3/2068918/2022 dated 07.12.2022 passed by the 1st respondent, confirming the impugned order dated 30.12.2021 made in Na.Ka.Aa6/7396/2021 passed by the 3rd respondent and quash the same and consequently direct the respondents not to interfere with the property rights of the petitioners in respect of the property measuring to an extent of 30 acres 75 cents comprised in SF.No.84, Poosapadi Village, Kallakurichi District – 606 201.

For Petitioners : Mr.N.Manoharan

For Respondents : Mr.R.Ramanlaal
Additional Advocate General-IV
Assisted Mr.G.Krishna Raja
Additional Government Pleader



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ORDER

The order passed by the first respondent in proceeding dated 07.12.2022 confirming the order passed by the third respondent in proceeding dated 30.12.2021 is under challenge in the present writ petition.

2.The short history of the case as narrated by the Commissioner of Land Administration reveals that based on the petition received from the National Commissioner for SC/ST, the District Revenue Officer, Kallakurichi verified the sketch and village records regarding the encroachment made by the private parties in the lands in S.Nos.14/1, 76, 77, 78, 79, 80, 81, 82, 83, 85, 86, 87, 88, 89 classified as Panchami lands allotted to Adi Dravidar people.

3.During the scrutiny of sketch and records, it was found that the land in S.No.84 is entered as “Poosampadi Eri”, whereas in UDR register, private persons names were found entered vide Patta No.357 as elder brother Poosamoopar-1 and younger brother Poosamoopar-2 jointly. Then based on the partition deed Document No.518/2000 dated 27.03.2000, entered made



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as father Poosamooopar-1, elder son Poosamooopar-2 and younger son Poosamooopar-3. Previously the land in S.No.84 was found entered as father Poosamooopar vide Patta No.427 as Poosamooopar S/o.Poosamooopar and the above lands are recorded in the revenue records as follows:

- i. During the year 1923 – Settlement 'A' Register subject land was entered as 'Government Dry – Tharisu'.
- ii. Prior to UDR it was recorded vide Patta No.52, in the name of Poosamooopar measuring an extent of 30 acres and 75 cents and remarks entered as 'Water Catchment – நீர் பிடிப்பு'.
- iii. In computer Chitta, the S.No.84 measuring an extent of 12.44.50 Hectares the land was recorded vide Patta No.427 in the name of Poosamooopar S/o.Poosamooopar.

5) Further, the District Revenue Officer, Kallakurichi has conducted enquiry with the above persons passed order on Appeal Petition filed by the petitioner and ordered that, the land measuring an extent of 12.44.5 Hectare in S.No.84, Poosampadi Village, Chinna Salem Taluk, Kallakurichi District stands in the name of Poosamooopar, S/o.Poosamooopar in computer chitta vide patta No.427.



Whereas, in the earlier records the above said land measuring 12.44.5 Hectare in S.No.84 was classified as 'Water Catchment Area' Government land. Besides water for cultivation for nearby patta lands and Government land passes through this suit land. An individual who worked as Village 'Maniyam' manipulated the Village records and entered his name in the Revenue records and subsequently transferred the above said lands to his legal heirs and encroached these lands by the way of cultivation. Further, the petitioners have failed to produce documents to claim the ownership of the lands. Based on the records and statement of the revenue officials, it was ordered to restore the lands measuring 12.44.5 Hectares in S.No.84 in Poosampadi Village, Chinna Salem Taluk, Kallakurichi District, as 'Government Poramboke' and 'Poosampadi Eri' in the remarks column in the adangal to avoid dispute for claim of ownership for these land in future.

4.The learned counsel for the petitioner mainly contended that the order passed by the District Revenue Officer is manifestly erroneous, arbitrary and contrary to law. The order of the District Revenue Officer cancelling the patta granted in favour of the petitioners in respect of the



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subject property is without any enquiry and in the absence of any documents and therefore, the order impugned is in violation of the principles of natural justice. The District Revenue Officer ought to have looked into the nature of land which belongs to the family of the petitioners. The patta granted in favour of the petitioners would reveal that it is a private land and therefore, the findings made by the District Revenue Officer is contrary to the revenue records maintained by the Department. Patta was granted in the name of the ancestors to the petitioners and other revenue records also stand in the name of the petitioners and their family members from time immemorial. The District Revenue Officer has failed to appreciate the facts and the documents produced by the petitioners and therefore, the order impugned is liable to be set aside. The findings of the District Revenue Officer that the property was classed as Tharisu is contrary to the revenue records. Further finding that the subject property is a lake, water body, graveyard, etc., is unconnected with the lands owned by the petitioners. Therefore, the writ petition is to be considered.

5.The learned Additional Advocate General relying on the statement



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of the revenue officials before the Appellate Authority and based on the records made a submission that in UDR, the land measuring to an extent of 12.44.5 Hectare in S.No.84, Poosampadi Village, Chinna Salem Taluk, Kallakurichi District is found entered as (1) Annan Poosamoo par (2) Thambi Poosamoo par vide Patta No.351. Whereas in 1923 RSR the land in S.No.84 measuring an extent of 30.75 acres is entered as Government Dry [GD]. During the survey held in the year 1923 the land in S.No.84 was recorded as 'Eri', then in the sketch during the UDR period, the above land in fully shown as **water body**. Similarly the petitioner has furnished as unsigned notice received from the UDR Surveyor, in which the land in S.No.84 is recorded as “Poosamoo par Eri”. The water from this Eri runs to the patta lands in S.Nos.83-1 & 63-3B and the excess water in the Eri runs through the lands in S.No.951 and then through Odai for the lands in S.Nos.99, 119, 120, 123, 127 at Thenponparapi and Amaiyagaram Villages. The petitioners stated that the above Eri has been formed by their ancestors. In the above said 30.75 acres of subject land in S.No.84 around 6 acres of land is found ploughed, 9 acres is water body and the remaining 15 acres lies as dry land. Now, as per the orders of District Revenue Officer,



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Kallakurichi in his proceeding dated 30.12.2021, patta was cancelled and entered as water body in the Revenue records.

6.The Commissioner of Land Administration elaborately considered the grounds raised by the petitioner, the statement of the revenue officials and also the documents produced by the respective parties. The subject lands as recorded in earlier and present revenue records are stated as follows:

- i. In the year 1923 – settlement 'A' Register subject land was entered as 'Government Dry – Tharisu'.
- ii. Prior to UDR the subject land had been recorded in the name of Poosamoo par as Patta land measuring an extent of 30 acres and 75 cents in S.No.84 and in remarks column entered as 'Water Catchment – நீர் பிடிப்பு'.
- iii. In computer Chitta, the S.No.84 measuring an extent of 12.44.50 Hectares the land was recorded as Poosamoo par S/o.Poosamoo par vide Patta No.427.

8) Further, the District Revenue Officer, Kallakurichi has conducted enquiry as an Appeal Petition filed by the



petitioner and ordered that, the land measuring an extent of 12.44.5 Hectare in S.No.84, Poosampadi Village, Chinna Salem Taluk, Kallakurichi District stands in the name of Poosamoopar, S/o.Poosamoopar in computer chitta vide patta No.427. Whereas in the earlier records the above said land measuring 12.44.5 Hectare in S.No.84 is classified as 'Water Catchment Area' Government Land. This Eri is source of water for cultivation for nearby patta lands. It was learnt that a person who worked as Village 'Maniyam' manipulated the Village records and entered his name in the Revenue records. Subsequently, transferred the above said lands to his legal heirs and encroached these lands by the way of cultivation. Further, the petitioners have failed to produce documents to prove the ownership of the lands. Accordingly, base don the records and statement of the revenue officials, it was ordered to restore the lands measuring 12.44.5 Hectares in S.No.84 in Poosampadi Village, Chinna Salem Taluk, Kallakurichi District as 'Government Poramboke' and 'Poosampadi Eri' in the remarks column in the adangal to avoid dispute regarding ownership for these lands.

7.The learned Additional Advocate General mainly contended that



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the revenue records were manipulated during the relevant point of time and false entries were made in the revenue records for the purpose of grabbing the water body. The Eri is catering the needs of the agriculturist in that particular locality. Therefore, the said water body cannot be now re-classified or otherwise which would cause prejudice to the interest of the farmers of that locality. The findings of the Commissioner of Land Administration also reveals that the said Eri is the source of water for cultivation of nearby patta lands. A specific finding of the Commissioner of Land Administration is that a person who worked as Village 'Maniyam' manipulated the village records and entered wrong names in the revenue records. At the outset, it is contended that manipulation of revenue records are made in order to grab the water body. As far as the water body is concerned, the same is to be protected and the water resources are to be preserved for the benefit of the people at large. When the Commissioner made a finding that the subject Eri is the source of cultivation for the nearby patta lands and the revenue records are tampered by the Village 'Maniyam'. At one point of time, the authorities found that the land is to be resumed for the purpose of maintaining the same as water body. The Commissioner has



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clearly stated that the subject lands are to be classified as Government Poramboke and Posampadi Eri in the remarks column in the adangal to avoid dispute regarding ownership to these lands.

8.The power of judicial review cannot be expected for adjudication of disputes of civil nature. The findings in the present case by the District Revenue Officer and the Commissioner of Land Administration are concurrent and both the authorities have considered the documents available on record and the statement of the revenue officials. That being the factum, the contention of the petitioners that they are holding patta for several years cannot be considered in a writ proceedings. If at all the petitioner is in possession of title documents or otherwise, it is for them to approach the competent civil court of law. As far as the findings of the District Revenue Officer and the Commissioner of Land Administration are concerned, an adjudication was conducted and the authorities found that the subject land is classified as Eri in the revenue records which was subsequently manipulated at the instance of one Village 'Maniyam' and therefore, there is no reason to interfere with the findings made by the authorities.



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9. Accordingly, the impugned order are confirmed and consequently, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No



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S.M.SUBRAMANIAM, J.

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