



W.P.No.11510 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.11510 of 2022

Kamaraj

...
/vs/

Petitioner

- 1.The Secretary,
Adi Dravidar Welfare Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The District Collector,
Ariyalur District Collectorate,
Ariyalur.
- 3.The District Revenue Officer,
Ariyalur District,
Ariyalur.
- 4.Revenue Tahsildar,
Tahsildar's office,
Ariyalur.
- 5.District Registrar of Registration,
Ariyalur District, Ariyalur.
- 6.Sub Registrar,
Ariyalur Sub Registrar Office,
Ariyalur.



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- 7.Perual Padayachi
- 8.Selvam
- 9.Adilakshmi
- 10.Thaiyalnayaki
- 11.Kulandaisamy
- 12.Manickam
- 13.Shanthi
- 14.Vijayalakshmi
- 15.Vasuki
- 16.Gurumoorthy

...

Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India for issuance of writ of Mandamus directing the respondents 5 and 6 to consider the petitioner's representation dated 03.03.2022 and to cancel the sale deed dated 23.11.1963 in Doc.No.2791 of 1963 in favour of 7th respondent and subsequent sale deed in Doct.Nos.1170/2009, 2644/2010, 2643/2010, 2198/2011, 20/2011, 2280/2011, 1130/2012, 1565/2015, 479/2017, 708/2019 and 448/2021 in favour of the respondents 8 to 16 in respect of the depressed class lands situated at Periyagaloor Village, Ariyalur Taluk and District in S.No.197/4 of an extent of 1.12.0 Acres.

For Petitioner	...	Ms.T.Gnana Banu
For Respondent Nos.1 to 6	...	Mr.P.Gurunathan Additional Government Pleader
Respondent No.7	...	Notice returned unserved (died)
For Respondent Nos.8 & 10	...	No appearance
Respondent No.9	...	Left
For Respondent Nos.11 to 14 & 16	...	Mr.P.Valliappan Senior Advocate for M/s.P.V.Law Associates
Respondent No.15	...	Not claimed



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ORDER

The writ petition has been filed to issue a Writ of Mandamus directing the respondents 5 and 6 to consider the petitioner's representation dated 03.03.2022 and to cancel the sale deed dated 23.11.1963 in Doc.No.2791 of 1963 in favour of 7th respondent and subsequent sale deed in Doct.Nos.1170/2009, 2644/2010, 2643/2010, 2198/2011, 20/2011, 2280/2011, 1130/2012, 1565/2015, 479/2017, 708/2019 and 448/2021 in favour of the respondents 8 to 16 in respect of the depressed class lands situated at Periyanaaloor Village, Ariyalur Taluk and District in S.No.197/4 of an extent of 1.12.0 Acres.

2.The learned counsel appearing for the writ petitioner submitted that the subject land is classified as Panjami land. The property was originally assigned to the grandfather of the writ petitioner. Subsequently, the grandfather of the writ petitioner sold the property in the year 1963 to the non-members of the Scheduled Caste and Scheduled Tribe, which is against law. It is the duty of the officials to monitor the land which is classified as depressed class land or Panjami land, it cannot be re-classified



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to other land or it cannot be de-notified and it cannot be allotted or it cannot be transferred or changed to the other than the depressed class people. But the sale said to have been executed by the grandfather of the writ petitioner in favour of the third party, who is non members of the Scheduled Caste and Scheduled Tribe community, itself void. Subsequently, the purchaser also divided into house sites and sold the house sites to several persons. Despite the decision of the Hon'ble Supreme Court and also the Circular and the law, the officials have not taken any action and also prevented from transferring the land from the depressed class people to non members of the SC/ST Community. Only recently the petitioner came to know about the same, he asked the details under the Right to Information Act and obtained the particulars, which clearly shows that the land is Panchami land and originally it was assigned to the depressed class people and his grandfather is one among them. Therefore, he gave a representation to the respondents and the respondents have not properly considered his representation, therefore, he approached this Court by way of this writ petition.



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3. Though the writ petition filed in the year 2022, the respondents have not filed their counter and the learned Additional Government Pleader submitted that they will take necessary action in this regard.

4. Considering the facts that in the particulars given by the officials under the Right to Information Act to the petitioner, they admitted the land is Panchami land and the land was allotted to the Depressed class people namely SC/ST Community and admittedly the land was subsequently sold to the non-members of the SC/ST Community. Therefore, the sale in favour of the non-members of the depressed class is void and the title of the private respondents also not valid. Once it is found that the land is a Panchami land, even the Government does not have power to re-classified the land from the classification of Panchami land. The sale deed executed by the grandfather of the writ petitioner in favour of the non-members of the depressed class people is not valid. Therefore, the Government is directed to remove all the private respondents and other persons those who are in possession of the property in the manner known to law and also



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cancel all the patta and also revenue records and put into the classification of the Panchami land and identify any eligible person and assign the land to the eligible landless poor belongs to depressed class people namely SC/ST.

With the above directions, the writ petition is disposed of. No costs.

Index : Yes/No

Internet : Yes/No

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sms

To

- 1.The Secretary,
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Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The District Collector,
Ariyalur District Collectorate, Ariyalur.
- 3.The District Revenue Officer,
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P.VELMURUGAN,J.

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