



Order dated 19.12.2023
in W.P.No.21857 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.12.2023

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.21857 of 2022

1. M.Babu, S/o Mariyappan
2. T. Arul Murugan, S/o Theethu

.. Petitioners

Vs.

1. The District Collector,
Dharmapuri District.
2. The Revenue Divisional Officer,
Harur, Dharmapuri District.
3. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders in (i) Na.Ka.No.1946/2015/A3, dated 30.06.2015 and (ii) Na.Ka.No.1947/2015/A3, dated 30.06.2015 on the file of the second respondent and quash the same and consequently direct the respondents to re-assign the land in Survey No.261/3 to the extent of 0.84.0 hectares situated at Bommidu Revenue Village, Pappireddipatti Taluk, Harur Revenue Division, Dharmapuri and also the land in Survey No.261/4 to the extent of 031.0 hectares situated at Bommidu Revenue Village, Pappireddipatti Talluk, Harur Revenue Division, Dharmapuri District, to the petitioners, being the legal heirs of original assignee within the time frame that may be fixed by this Court.



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For petitioner : Mr.S.Arokiamaniraj

For respondents: Mr.V.Veluchamy, Adld.G.P.

ORDER

The petitioners have filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders in (i) Na.Ka.No.1946/2015/A3, dated 30.06.2015 and (ii) Na.Ka.No.1947/2015/A3, dated 30.06.2015 on the file of the second respondent and quash the same and consequently direct the respondents to re-assign the land in Survey No.261/3 to the extent of 0.84.0 hectares situated at Bommidi Revenue Village, Pappireddipatti Taluk, Harur Revenue Division, Dharmapuri and also the land in Survey No.261/4 to the extent of 031.0 hectares situated at Bommidi Revenue Village, Pappireddipatti Talluk, Harur Revenue Division, Dharmapuri District, to the petitioners, being the legal heirs of original assignee within the time frame that may be fixed by this Court.

2. On a perusal of the impugned orders, it shows that original assignee had executed a sale deed in favour of one Shanmugavel who belongs to the Naattu Gounder community and the authority had cancelled the sale deed.



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3. Learned counsel for the petitioners submitted that the land was never sold or handed over to anybody and the petitioners are in possession and enjoyment of the property and official respondents colluded with the said Shanmugavel and cancelled the sale deed and now he is encroaching upon the property and even they have not taken steps to evict them.

4. Learned Additional Government Pleader appearing for the respondents submitted that already, non-depressed class persons have encroached upon the property and the same was cancelled.

5. On a reading of the records, it shows that originally, the land was classified as 'depressed class land' and was assigned to depressed class people. Though the impugned orders show that they have executed the sale deed even without mentioning the nature of the alienation or the nature of conveyance, the impugned orders are liable to be set aside.

6. Since the land is classified and shown as depressed class land, the official respondents herein are directed to evict the encroachers who are in possession and enjoyment of the land in question and who belongs to non-depressed class people. Thereafter, the land in question be restored to the petitioners.

7. With the above observations/direction, this Writ Petition shall stand allowed. There shall be no order as to costs.



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