



W.P.(MD)No.17977 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2023

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P.(MD)No.17977 of 2020**  
**and**  
**W.M.P.(MD).No.14979 of 2020**

P.K.Bose

... Petitioner

Vs.

- 1.The Additional Chief Secretary /  
the Commissioner of Land Administration,  
O/o. the Commissioner of Land Administration,  
Ezhilagam, Cheppauk,  
Chennai -600 005.
- 2.The District Collector,  
O/o. the District Collector Office,  
Ramanathapuram District,  
Ramanathapuram.
- 3.The District Revenue Officer,  
O/o. the District Collector Office,  
Ramanathapuram,  
Ramanathapuram District.
- 4.The Revenue Divisional Officer  
O/o. the Revenue Divisional Office,  
Thiruvadanai Taluk,  
Ramanathapuram District.



W.P.(MD)No.17977 of 2020

WEB COPY

5.The Tahsildar,  
Tahsildar Office,  
Thiruvadanai Taluk,  
Ramanathapuram District.

6.S.Muthuramalingam

7.K.Balu

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ cancel the order passed by the 2nd respondent vide his proceedings Na.Ka.P2 / 27309 / 2000, dated 25.10.2000 (received by the petitioner only on 01.07.2020) re-classifying the land in Survey No.62, situated at Aakkalur Village, Kattivayal Panchayat, Thiruvadanai Taluk, Ramanathapuram District, as Natham from Mayanam to an extent of 30 cents and consequently to direct the respondents to remove the encroachment in the said area and restore the same to its original position as Mayaanam in conformity with “A” register and other revenue records within the period that may be stipulated by this Court.

For Petitioner

: Mr.H.Mohammed Imran  
for M/s.Ajmal Associates

For R-1 to R-5

: Mr.A.K.Manikkam,  
Special Government Pleader



W.P.(MD)No.17977 of 2020

WEB COPY

## **ORDER**

This Writ Petition has been filed challenging the proceedings of the second respondent dated 25.10.2000, for re-classifying an extent of 30 cents as a “Natham” from the total extent of six Acres which was classified as a “Mayanam” and for a further direction to remove the encroachment and to restore the property to its original position as a “Mayaanam” in conformity with the “A” Register.

2. The petitioner is a resident of Thiruvadanai Taluk, Ramanathapuram District. According to the petitioner, Survey No.62 has been classified as a “Mayaanam” and there is an entry to that effect in the “A” Register and that the Mayanam has been used for burial and cremation by the persons belonging to atleast 10 villages. According to the petitioner, there was a large scale encroachment upon the Maayanam land. That apart, steps were also taken to reclassify thirty cents of land as “Natham”. The representation made by the petitioner did not evoke any response. Hence, this Writ Petition has been filed.



W.P.(MD)No.17977 of 2020

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for respondents Nos.1 to 5.

4. The learned Special Government Pleader appearing on behalf of respondent Nos.1 to 5 submitted that out of six Acres in Survey No.62, only thirty cents was reclassified as “Natham” and the patta has been granted in favour of four persons. The learned Special Government Pleader on instructions submitted that apart from thirty cents, there is no other encroachment in the property and rest of the place that is available can be continued to be used as a “Mayaanam”. The learned Special Government Pleader by placing reliance upon G.O.Ms.No.168, Revenue Department, dated 27.03.2020, submitted that the respondents are well within their powers to assign the land to the landless poor and accordingly, thirty cents of land which was in occupation of landless poor was assigned in their favour.

5. The learned counsel for the petitioner submitted that even if thirty cents of land has been assigned, the balance extent in Survey No.62



W.P.(MD)No.17977 of 2020

WEB COPY

can be kept intact to enable the ten villages to use the same as burial and cremation ground. Hence, the learned counsel submitted that whatever encroachments are continuing beyond the thirty cents that was assigned should be removed and the original position must be restored.

6. In the considered view of this Court, the assignment of thirty cents of land in Survey No.62 cannot be questioned in this writ petition, since it has been done in line with G.O.Ms.No.168, Revenue Department, dated 27.03.2020 which has not been put to challenge. Therefore, the only other grievance of the petitioner to the effect that there are other encroachments continuing apart from 30 cents that was assigned, requires the consideration of this Court. The learned Special Government Pleader on oral instructions submitted that there are no encroachments. However, the learned counsel for the petitioner affirms that there are encroachment upon Mayaanam.

7. In view of the same, there shall be a direction to the fifth respondent, namely, the Tahsildar, Thiruvadanai Taluk, Ramanathapuram District, to conduct a survey of the property in Survey No.62 and see, if



W.P.(MD)No.17977 of 2020

there are any encroachment apart from the thirty cents that was assigned.

If there are any other encroachments, steps shall be taken to remove the same and the property in Survey No.62 shall be continued to be retained as “Mayanam” to an extent of five acres and seventy cents to enable the villagers to use the same for the burial and cremation of the dead bodies. This process shall be completed by the fifth respondent within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

**06.10.2023**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
tsg



W.P.(MD)No.17977 of 2020

WEB COPY

**To**

- 1.The Additional Chief Secretary /  
the Commissioner of Land Administration,  
O/o. the Commissioner of Land Administration,  
Ezhilagam, Cheppauk,  
Chennai -600 005.
- 2.The District Collector,  
O/o. the District Collector Office,  
Ramanathapuram District,  
Ramanathapuram.
- 3.The District Revenue Officer,  
O/o. the District Collector Office,  
Ramanathapuram,  
Ramanathapuram District.
- 4.The Revenue Divisional Officer  
O/o. the Revenue Divisional Office,  
Thiruvadanai Taluk,  
Ramanathapuram District.
- 5.The Tahsildar,  
Tahsildar Office,  
Thiruvadanai Taluk,  
Ramanathapuram District.



WEB COPY



W.P.(MD)No.17977 of 2020

**N.ANAND VENKATESH, J.**

tsg

**W.P.(MD)No.17977 of 2020**

**06.10.2023**