



WP(MD)No.16909/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.16909/2014

R.Vivekananda Kumaran

...Petitioner

Vs

1.The Government of Tamil Nadu,  
Rep. by its Secretary,  
Revenue Department,  
Chennai - 600 009.

2.The Commissioner of Land Reforms,  
Chepauk, Chennai - 600 005.

3.The District Collector,  
Dindigul District,  
Dindigul.

4.The Revenue Divisional Officer,  
Dindigul

5.The Tahsildar,  
Dindigul

6.Dorothy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the third respondent in



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Na.Ka.No.1738/2013/D1, dated 22.08.2014, quash the same and consequently, direct the respondents to restore the land assigned to the grandfather of the petitioner under the Depressed Class Scheme as per the standing orders.

For Petitioner : Mrs.P.Kalaiyarasi Bharathi

For Respondents : Mr.G.V.Vairam Santhosh  
Additional Government Pleader  
for R1 to R5

No appearance for R6

### ORDER

The proceedings of the District Collector in Na.Ka.No. 1738/2013/D1 dated 22.08.2014 is under challenge in this writ petition.

2. The petitioner claims that the property in S.No.816/4 measuring an extent of 2.74 acres at Thottanuthu village, Dindigul East Taluk, Dindigul District has been assigned to his grandfather, namely, Nallakamu, in the year 1962 by TKT.No.58/1371. His grandfather had executed an unregistered Will in favour of him and his sister Poongodi on 09.01.1989 and died on 09.09.2000. Whiles, some records have been created as if one Dorothy, wife of Devadoss/the sixth respondent



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herein, has purchased the property vide Document No.925/1992 dated 08.05.1992. Since the land is Panchamar land, the land cannot be sold to any other community people other than the Scheduled Caste and therefore, this petitioner has approached the District Collector, Dindigul District for issuing patta in his favour. The District Collector after ascertaining the records has observed that as per SLR Register, the land in S.No.816, Thottanuthu Village, Dindigul Taluk, Dindigul District measuring an extent of 6.73 acres has been classified as Arasu Poromboke Odai and it was not allotted to Panchamars. Since, the petitioner has not produced any documents before the District Collector to substantiate that the land was assigned to his grandfather, the District Collector has directed the petitioner to approach the civil court to get his remedy and that order is under challenge in this writ petition.

3. The learned counsel appearing for the petitioner submits that the property in S.No.816 was sub divided as S.Nos.816/1, 816/2, 816/3 and 816/4 and were classified as Panchamar lands. 'A' Register clearly shows that S.No.816/4 is the land assigned to depressed classes under special condition. The adangal, patta and chitta also show that the property belong to the grandfather of the petitioner. Under RTI Act, the Tahsildar,



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Dindigul District himself has stated that the land is assigned to depressed classes under special condition. The Will is not disputed by anyone and the third respondent has no authority to question the validity of the Will. Therefore, he prays for appropriate orders.

4. The learned Additional Government Pleader submits that the petitioner belongs to Malai Kuravan community, which comes under Scheduled Tribe community. The land in S.No.816 measuring an extent of 6.73 acres, Thottanuthu village, Dindigul Taluk, Dindigul District is classified as Odai Poramboke and there is no indication that the land is a Panchamar Tharisu Land. The petitioner has not produced any document to show that the land belonged to his grandfather. He further submits that the impugned order has been passed, based on the directions of this Court in WP(MD)No.891/2013 dated 19.11.2013 to consider the petitioner's representation. The petitioner has to approach the competent civil court to redress his remedy.

5. This Court considered the rival submissions and perused the materials available on record.



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6. Though the petitioner claims that the land in S.No.816/4 measuring an extent of 2.74 acres at Thottanuthu village, Dindigul East Taluk, Dindigul District belong to his grandfather, he has not produced any document to prove the same. According to the third respondent, the land has been classified as Arasu Odai Poramboke. Considering the facts and circumstances and the issue involved, this writ petition is disposed of with a liberty to the petitioner to file a suit before the competent civil court to establish his title over the property in the manner known to law. No costs.

14.03.2023

NCC: Yes / No  
Index :Yes / No  
Speaking Order : Yes / No

*mbi*

To

1.The Secretary,  
The Government of Tamil Nadu,  
Revenue Department,  
Chennai - 600 009.



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B.PUGALENDHI, J.

*mbi*

- 2.The Commissioner of Land Reforms,  
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