



W.P(MD)No.21463 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21463 of 2015

T.Jakkammal

... Petitioner

Vs

- 1.The Secretary to Government,
Government of Tamil Nadu,
Adi Dravidar Welfare Department,
Fort St.George,
Chennai – 600 009.
- 2.The State Commission for Scheduled Caste
Scheduled Tribes,
Tamil Nadu Branch,
Chennai.
- 3.The Director of State Welfare Administration,
Chennai.
- 4.The District Collector,
Theni District.
- 5.The District Revenue Officer,
Theni District.



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6.The Revenue Divisional Officer,
Periyakulam,
Theni District.

7.The Tahsildar,
Taluk Office,
Theni.

8.The Superintendent of Police,
Theni District.

9.The Deputy Superintendent of Police,
(Crime Division),
Theni Sub Division,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to conduct enquiry and initiate statutory action against the land grabbers for creating fake and fabricated documents in respect of petitioner's Grand Father assignment patta for Panjamar Jari land measuring 1.83 acres comprised in S.No. 210/1 situated at Oonjampatti Village, Theni District, as per the request of the petitioner in her representation dated 12.09.2015 within a reasonable time.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard the learned counsel on either side.



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2. The case of the petitioner is that the land measuring 1.83 acres comprised in Survey No.210/1 at Oonjampatti Village at Theni Taluk, Theni District was assigned in favour of her grandfather Thirumuluvadan @ Thirumal Mathari in the year 1925. Patta was also issued in his favour on 15.12.1925. It is stated that at present the land is being enjoyed by a non-SC person. The petitioner's case is that a panjami land cannot be alienated in favour of non-SC persons and that such lands should be restored. The petitioner had already given a representation in this regard.

3. When the matter was taken up for hearing, the learned Special Government Pleader submitted that the Government issued G.O(Ms)No.12 Adi Dravidar and Tribal Welfare (LA2) Department dated 04.03.2022. Paragraphs 5 and 6 of the said order is as follows:

“5. Therefore, after examining the proposal of the Commissioner of Land Administration, the Government have decided to re-constitute the Existing State Level Committee to recommend for restoration of Panchami Lands from the Non-Panchamars and handed over to Panchamars, in the following manner:-

*a. Principal Secretary to Government,
Adi-Dravidar and Tribal Welfare Department : Chairman*

*b. Principal Secretary to Government, Revenue
and Disaster Management Department : Member*



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c. *Commissioner of Adi-Dravidar Welfare* : *Member*
Secretary / Convener

d. *Commissioner of Land Administration* : *Member*

6. *The State Level Committee re-constituted above shall meet once in a month”*

4. The petitioner is permitted to submit a fresh representation to the fourth respondent. The fourth respondent will forward the same to the State Level Committee. Enquiry shall be conducted and appropriate order shall be passed on the petitioner's representation.

5. This writ petition is disposed of accordingly. There shall be no order as to costs.

28.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1. The Secretary to Government,
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