



W.A.No.803 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

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1.The District Revenue Officer,
Krishnagiri District, Krishnagiri.

2.The Sub-Collector,
Sub Collector's Office,
Hosur, Krishnagiri District.

3.The Tahsildar,
Taluk Officer, Denkanikottai,
Krishnagiri District.

...Appellants

Vs.

C.Muniappa

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 02.01.2020 passed in W.P.No.6078 of 2017.

For Appellants : Mr.A.Selvendran,
Special Government Pleader



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For Respondent : Mr.R.Bharath Kumar

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J U D G M E N T

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge in this appeal is to the order of the writ Court allowing the writ petition filed by the respondent seeking a writ of Certiorarified Mandamus to quash the order of the 1st appellant dated 14.12.2016 confirming that of the 2nd appellant dated 07.12.2015 and direct the 3rd appellant to delete the wrong classification of the land in S.No.834/2G of Akkondapalli Village, Dhenkanikottai Taluk, Krishnagiri District as lands reserved for depressed class persons.

2. It is the claim of the respondent that his mother purchased these lands in 1960 from one Allaliyappa, who in turn purchased the said land in 1956. Proceedings were initiated after 55 years to resume the lands from the respondent on the premise that the lands have been classified as lands reserved for depressed class people.



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3. The Writ Court allowed the writ petition on the ground that there is nothing to support the classification of these lands as lands reserved for depressed class persons as found in the 'A' Register and the delay in launching the proceedings was also taken into account by the writ Court to conclude in favour of the respondent. Aggrieved the Government is on appeal.

4. We have heard Mr.A.Selvendran, learned Special Government Pleader appearing for the appellants and Mr.R.Bharath Kumar, learned counsel appearing for the respondent.

5. Mr.A.Selvendran, learned Special Government Pleader appearing for the appellants would submit that the writ Court has proceeded on the premise that the classification of the land as land reserved for depressed communities has not been supported by valid orders. The learned Special Government Pleader would produce the Salem District Gazette dated 16.08.1926 to show that the land in S.No.834 at Bairamangalam Village has in fact been classified as land reserved for depressed communities. The



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learned Special Government Pleader would therefore contend that in the light of the materials placed now, the conclusion of the writ Court may not be correct.

6. Contending contra, Mr.R.Bharath Kumar, learned counsel appearing for the respondent would submit that while the total area of S.No.834 is about 16.47 acres, what has been classified as land reserved for depressed communities in the Gazette, which is now been produced is only 6.50 acres. There is nothing to show that the entire S.No.834 was classified as land reserved for depressed classes. Therefore, according to the learned counsel the conclusion of the writ Court will hold good. He would also point out that the respondent was admittedly a person belonging to Adi-dravidar community and he has married a woman belonging to Backward Class community and his children have been shown to be belonging to the Backward Class community and therefore the children cannot effect partition amongst themselves. This stand as spelt out in the counter affidavit filed in the writ Court, according to the learned counsel is unacceptable.



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7. We have considered the rival submissions.

8. The Salem District Gazette dated 16.08.1926 which has been placed before us shows only an extent of 6.50 acres in S.No.834 of No.22 Bairamangalam Village, Dhenganikottai Taluk, then Salem District and now Krishnagiri District has been declared as land reserved for depressed communities. The 'A' Register that has been filed before us shows that the total extent of land in S.No.834 is about 6.67.5 hectares which is equivalent to 16.47 acres. Therefore, it is clear that the entire S.No.834 has not been classified as land reserved for depressed communities. In the absence of such evidence to show that the entire land has been classified as land reserved for depressed communities, the writ Court cannot be faulted for the conclusion that it has reached.

9. On the other ground also we find that the contention of the learned Special Government is highly slippery. A person belonging to the Adidravidar does not cease to belong to that community merely because he marries a person belonging to some other community. Even the community



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of the children born of such marriage depends on how they have been brought up. Therefore, the fact that the partition is entered into between the children cannot be a ground to conclude that the same is not valid.

10. Hence, we do not see any reason to interfere with the order of the learned Single Judge. The writ appeal therefore fails and it is accordingly **dismissed**. The entry classifying the lands in S.No.834/2G measuring an extent of 4.30 acres as land reserved for depressed class shall be deleted within a period of eight weeks from the date of receipt of a copy of this order. No costs.

(R.S.M., J.) (R.S.V., J.)
13.06.2024

dsa

Index : No
Internet : Yes
Neutral Citation : No
Speaking order



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To:-

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