



WEB COPY



W.P. No.5159 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.5159 of 2024

Soundararajan

... Petitioner

Vs

1.The District Collector
Collectorate Office
Salem District

2.The Sub Collector
Thasildhar Office
Mettur Taluk
Salem District

3.The Revenue Divisional Officer
Mettur Revenue Divisional Office
Metttur Taluk
Salem District

4.The Thasildhar
Mettur Thasildhar Office
Mettur Taluk, Salem District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus directing the respondents to consider



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petitioner representation dated 07.08.2023 to delete the note AD condition land from the register.

For Petitioner : Mr.V.Sakkarapani

For Respondents : Mr.P.Sathish, Addl. Govt. Pleader
For R1 to R4

ORDER

This writ petition has been filed to direct the respondents to consider petitioner's representation dated 07.08.2023 to delete the note AD condition land from the register.

2. It is the contention of the writ petitioner that his father purchased the land in S. No.293/3 on 17.12.1958. Ever since the date of purchase, he was in possession of the property and his father died on 30.03.2009 leaving behind the petitioner and other legal heirs. Petitioner's mother also died on 20.03.2016. When the petitioner and other legal heirs have decided to enter into a partition deed, at that time, it was informed in the office of the Sub Registrar that the land in S. No.293/3 is mentioned as Adi Dravidar condition land and therefore, the same cannot be partitioned and that the property can be registered only if



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the AD condition is removed from the Register. Therefore, the petitioner gave a representation on 31.08.2020 to delete the note AD condition land. The Revenue Inspector has conducted an enquiry and enquired the Village Administrative Officer also, wherein it is clearly revealed that Krishnasami Chetty belongs to BC community and the land has been wrongly mentioned as AD condition land and hence it is recommended for removal of the note AD Condition land.

3. The fourth respondent has also sent a letter on 23.02.2021 to the second respondent, wherein he has stated that one Krishnasami Chetty belonged to BC community and the second respondent also sent a letter to the first respondent vide his proceedings No.Na.Ka.5508/202/B3 dated 25.11.2021, recommending to delete petitioner's land in S. No.293/3 from the AD Condition Register. The proceedings also sent to the District Adi Dravidar Welfare Office in Na. Ka. No.24320/2022/G1 dated 02.09.2022. The District Collector had also forwarded the letter to the third respondent office vide Proceedings No.Mu.Mu. No.331771/2022/K2 dated 14.12.2022, however, no orders have been passed. Hence the present writ petition.



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4. The 2nd respondent has filed a counter to the effect that the land was originally assigned to one Krishnasami Chetty under freedom fighter category on 06.02.1950. AD Condition Register of the village reveals that on 11.04.1993, it was recorded as AD condition land and one Kumaravel is cultivating the land and Sub Collector also conducted a detailed enquiry and found that original assignee not belonging to Adi Dravidar community. It is also their stand that however the original assignment records was not available in the office. Further, the land has been sold violating the conditions.

5. Heard both sides and perused the materials available on record in the form of typed set of papers.

6. The fact remains that though the land has been assigned to Krishnasami Chetty, absolutely there is no evidence to show that he was an Adi Dravidar at the relevant point of time. But subsequently, the enquiries conducted by the revenue officials indicate that the said Krishnsami Chetty belongs to BC community. Further to contend that there was violation of the assignment conditions, the assignment records have not been produced. It is the specific stand of the respondents that the record was not available with them.



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The 'A' Register produced by the revenue officials, clearly indicates that the property all along cultivated by petitioner's father. Therefore, merely because it was mentioned as AD condition in a register that cannot take away the right of the petitioner to deal with the property. When the revenue enquiry disclosed that the assignee not belong to the Schedule Caste, retaining the AD condition in the register has to necessarily to be removed. In such view of the matter, the respondents are directed to remove the AD condition in the register and pass order in this regard, within a period of one month from the date of receipt of a copy of this order. No costs.

7. With the above direction, the writ petition is disposed of. No costs.

21.06.2024

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

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5.The Government Pleader
High Court, Madras



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N.SATHISH KUMAR, J.

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