



W.P.No.6701 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 6701 of 2024

and

W.M.P.No.7461 of 2024

1.Krishnamoorthy
2.Deivanai
3.Rajapandian

... Petitioners

versus

1. The District Collector,
Kallakurichi District.

2.The District Revenue Officer,
Kallakurichi District.

3.Revenue Divisional Officer,
Kallakurichi Division and District.

4.Subramani
5.Chinnakanuammal

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to take action on the representation submitted before him by the petitioners dated 19.02.2024.

Pg.Nos.1/6



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For Petitioners : Mr.A.G.Rajan
For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R3

ORDER

Mr.A.Selvendran, learned Special Government Pleader accepts notice for respondents 1 to 3. Since this writ petition is being disposed of without passing any adverse orders against respondents 4 and 5 affecting their interest, notice to those respondents is dispensed with.

2. This Writ Petition has been filed seeking for issuance of a writ of mandamus, directing the first respondent to take action on the petitioners' representation dated 19.02.2024.

3. The learned counsel for the petitioners submitted that the subject land measuring an extent 2.73 acres comprised in S.No.207/9 situated at Vadasiruvallur Village, Sankarapuram Taluk, Kallakurichi District which was classified as "Depressed Class land" was assigned to the petitioners'



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grandfather and since then, he had been in possession and enjoyment of the said land and DKT Patta in Patta No.38/1981 was issued to petitioners' grandfather and he died in the year 1989, leaving behind the petitioners as his legal heirs. While that being so, respondents 4 and 5 herein have encroached the land claiming that the above said land was purchased by them from one Magbul Jansahib. The learned counsel for the petitioners further submitted that since the subject land comes under "Panjamar Tharisu land" as per the Revenue Records, non-depressed class members i.e. respondents 4 and 5 cannot claim any right over the said land. Therefore, the petitioners have given a representation dated 19.02.2024 to the respondents 1 to 3 seeking to vacate respondents 4 and 5 from the subject land. Since there was no response from respondents 1 to 3, the present writ petition has been filed.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that originally the subject land was classified as 'Depressed Class Land' and due to violation of conditions, the Government has taken over the said land and now, it is classified as



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"Government Poromboke".

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5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 3 and perused the materials available on record.

6. The main grievance of the petitioners is that respondents 4 and 5, who are non-depressed class members have encroached the land without any document.

7. Having regard to the submissions made by the learned counsel on either side, this Court without going into the merits of the case, directs the respondents 1 to 3 to issue notice to the petitioners and respondents 4 and 5 as well as rival claimants/interested parties, if any and conduct enquiry into the matter and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. On enquiry, if it is found that respondents 4 and 5 are non-depressed class members and they have encroached the subject land, respondents 1 to 3 are directed to remove the encroachments other than Depressed Class members



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from the subject land. Thereafter, if the petitioners have made any fresh application, and they are otherwise eligible, the same may be considered on merits and in accordance with and issue Patta in their favour.

8. With the above observations and directions, the writ petition is disposed of. W.M.P.No.7461 of 2024 is ordered on payment of separate Court fees, by each of the petitioners. There shall be no order as to costs.

15.03.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

1. The District Collector,
Kallakurichi District.
2. The District Revenue Officer,
Kallakurichi District.
3. Revenue Divisional Officer,
Kallakurichi Division and District.

Pg.Nos.5/6



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P.VELMURUGAN, J.

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