



W.A.No.1207 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

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1. The District Revenue Officer
Salem Division, Salem.

2. The Revenue Divisional Officer
Salem.

3. The Tahsildar, Vazhapadi
Salem.

.. Appellants

Vs.

D.Sugavanam

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 26.10.2021 in W.P.No.10884 of 2018.

For the Appellants : Mr.A.Edwin Prabakar
State Government Pleader
assisted by Mr.T.K.Saravanan
Government Advocate

For the Respondent : Ms.Dhakshayini Reddy
Senior Counsel
for Ms.S.Suneetha



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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.A.Edwin Prabakar, learned State Government Pleader assisted by Mr.T.K.Saravanan, learned Government Advocate for the appellants and Ms.Dhakshayini Reddy, learned Senior Counsel appearing for Ms.S.Suneetha, learned counsel for the respondent.

2. The present respondent had filed a writ petition bearing W.P.No.10884 of 2018, challenging the order passed by the Revenue Divisional Officer, Salem. The respondent sought removal of the Adi Dravidar condition in the Revenue Accounts for the respondent's land comprised in S.No.82/2 to an extent of 0.45 hectares in Kariapatti Village. The learned Single Judge allowed the writ petition. Aggrieved thereby, the present appeal.

3. Learned State Government Pleader submits that the land was assigned to an Adi Dravidar on 01.01.1926. The land was assigned to Adi-Dravidar. It could not have been alienated to a non-Adi Dravidar. The respondent is a non-Adi Dravidar. The original allottee sold the property to a non-Adi Dravidar. The same is not



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countenanced by law. The learned State Government Pleader refers to R.S.O.No.15 and the Government Orders dated 11.10.1926 and 07.06.1929.

4. There is nothing on record to conclude that the land allotted to one Dhakshinamurthy S/o Ramasamy on 01.01.1926 was the land assigned for Adi Dravidar. The assignment deed is also not placed on record.

5. It has been observed by the learned Single Judge that the subject writ property was brought to court auction sale on 24.12.1949. It was purchased by one Munian S/o. Vayapuri in the court auction sale. Thereafter, the purchaser in the court auction sale sold the property in favour of one Govinda Pathar by a registered sale deed dated 01.11.1950. The subsequent purchasers did not belong to the Adi Dravidar Community and they were also issued with pattas. Finally, the respondent's father purchased the subject property by a registered sale deed dated 29.12.1965 and after his demise, the respondent claims ownership of the said land.



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6. For the first time, proceedings were initiated by the appellants purportedly in the year 1995. The court auction sale was conducted on 24.12.1949 and thereby, the said property changed hands multiple times. The authorities did not raise any objections, on the contrary, patta was issued to those purchasers. The learned Single Judge has observed that action is sought to be taken after a lapse of 30 years. In the present case, it would be almost after 50 years. The Revenue Standing Order and the Government Orders relied by the State Government Pleader are subsequent to the assignment on 01.01.1926 and the sale also was under court auction.

7. No document is placed on record by the State Government to conclude that the assignment deed contains the condition that land shall not be sold to a person not belonging to the Adi Dravidar Community. The Revenue Standing Order relied by the State Government Pleader is also of subsequent period.

8. In the light of that, we do not find any error on the part of

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the learned Single Judge. The writ appeal, as such, stands dismissed.

There shall be no orders as to costs. Consequently, C.M.P.No.8795 of 2024 is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)
15.04.2024

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

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