



W.P.No.30563 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.30563 of 2024

and

W.M.P.No.33166 of 2024

Zahir Hussain Saib

... Petitioner

Vs.

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The District Revenue Officer,
Cuddalore District.
3. The Sub-Collector,
Chidambaram,
Cuddalore District.
4. The Revenue Tahsildar,
Kattumannarkoil Town Panchayat,
Kattumannarkoil Taluk,
Cuddalore District.
5. The Executive Officer,
Kattumannarkoil Town Panchayat,
Kattumannarkoil Taluk,
Cuddalore District.
6. Mr.Narendiran

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the entire records which culminated in passing the order in Ni.Mu.V5/1100198/2023 dated 14.08.2024 on the file of the second respondent and quash the same and consequently direct the respondents 1 to 5 to restore the name of the petitioner in the revenue records and all other connected records in respect of the land comprised in R.S.No..104/1 (New R.S.No.292/2) measuring 1316 square feet situated in Sajagananda Nagar, within Udayarkudi Town Panchayat, Kattumannarkoil Taluk, Cuddalore District.

For Petitioner : Mr.M.Elumalai

For R1 to R4 : Mr.P.SathishA.Selvendran
Additional Government Pleader

For R5 : Mr.K.Karthikeyan
Government Advocate

For R6 : No Appearance

ORDER

1. The above Writ Petition has been filed for the following relief:-

It is the case of the Petitioner that the land comprised in R.S.No.104/1 (New R.S.No.292/2) measuring an extent of 1316 sq. ft. situated at Sajagananda Nagar was purchased by the Petitioner under a registered



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Sale Deed dated 08.10.2018 from one Kalaiselvi wife of Natesan. The said Kalaiselvi in turn had become the owner of the property by virtue of a registered Settlement Deed dated 30.06.2004 executed by her husband Natesan. The said Natesan in turn had purchased the property from his brother Murugesan under a registered Sale Deed dated 28.09.1999. The Petitioner would submit that after the purchase of the said property, he had got patta transferred in his name and the revenue records were also mutated in his name. The Petitioner would further submit that when he had applied for a planning permission to develop the land purchased by him, the 4th Respondent Revenue Tahsildar by his communication dated 18.01.2023 addressed to the 5th Respondent affirmed that the Patta stood in the name of the Petitioner. While so, it appears that the 6th Respondent had made a complaint to the 1st Respondent and the Respondents 2 to 4 contending that the R.S.No.104/1 (New R.S.No.292/2) was originally classified as “Sarkar Poromboke – Adi Dravidar Housing Site” and he would submit that the lands were assigned in favour of Murugesan who belonged to Hindu Adi Dravidar Community. While so, the Said Murugesan sold the lands to Natesan, Natesan in turn had executed Settlement Deed in favour of his wife Kalaiselvi in the year 2004. 16 years there from the lands were sold to the



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Petitioner. Therefore, he submitted that the utilization of the lands as Adi Dravidar Land had been deviated. On the basis of this complaint, an enquiry came to be conducted by the 3rd Respondent on 02.05.2023. During the enquiry, the statement of the 6th Respondent and the Petitioner were recorded. The Petitioner's vendor Kalaiselvi and her husband Natesan and one Jaison son of Murugesan, the alleged original assignee had all appeared for enquiry. Jaison son of Murugesan stated that the land in question was in possession and enjoyment of his father for over 20 years and during the UDR updation process the nature of the land from Adi Dravidar Housing Site has been changed into a Patta land and subsequently it had been alienated by the said Murugesan and has ultimately been purchased by the Petitioner. Despite all these statements, the 3rd Respondent cancelled the Patta issued to the Petitioner and further vide Order dated 12.06.2023, he directed the lands in Survey No.104/1 to be classified as “Adi Dravidar Housing Site” which entry was made in the 'A' Register. The 3rd Respondent had gone on to hold that since it is an Adi Dravidra land it cannot be sold to the Petitioner who was not a Adi Dravidar. Challenging this order, the Petitioner had filed W.P.No.21780 of 2023. By an Order dated 25.07.2023 this Court dismissed the said Writ Petition with a direction to the Petitioner to approach the



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Appellate Authority. Therefore, the Petitioner had filed an appeal before the 2nd Respondent. During the pendency of the appeal, on the basis of the Order dated 12.06.2023, the 5th Respondent issued proceedings as to why the building planning permission issued should not be cancelled in view of the cancellation of the Patta. The Petitioner had submitted its objections and filed W.P.No.24692 of 2023 to forbear the 5th Respondent from cancelling the building plan permission. This Writ Petition was taken up and on instructions of the Executive Officer, it was informed that no action for the cancellation of the building plan permission would take place till the disposal of the proceedings before the District Revenue Officer (DRO). Recording the submissions the Writ Petition was disposed of. The 2nd Respondent after considering the documents and the submissions had dismissed the appeal, against which the Petitioner is before this Court. The Impugned Order dated 14.08.2024 is primarily proceeded on the footing that the lands in question is the land assigned to Adi Dravidars.

2. Today when the matter was taken up of hearing, the learned counsels for the Respondents had produced the original records in which நத்தம் நிலவரித் திட்ட தூய சிட்டா has been produced. The Chitta would describe



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the lands in question. The very nomenclature of the documents would clearly show that the lands in question is a Natham. That apart Patta bearing No.666 stands in the name of the Murugesan and the property has been described as Sarkar House Site. The Chitta further also takes note of the fact that the Patta had been transferred in the name of Natesan and his wife Kalaiselvi. The original Patta in the name of Murugesan was Patta No.666 and the Patta has changed when it was mutated to the Petitioner as Patta No.666. While perusing the revenue documents, it is crystal clear that the property in question is not a Government Poramboke.

3. Therefore, the premise on which the Impugned Order has been passed cannot be sustained. The Respondents who contend that the Murugesan has been issued with the assignment Patta had not been able to produce the alleged assignment deed stating that the assignment deed is not available. Since the Patta has been issued under the Natham Land Tax Scheme. It clearly shows that the property in question is a Natham land.



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WEB COPY 4. Under these circumstances, the Writ Petition is allowed.

Accordingly, the Impugned Order dated 14.08.2024 is set aside and the case is remanded back to the Respondents 1 to 4 for fresh consideration. The Respondents 1 to 5 are directed to restore the name of the Petitioner in the revenue records in respect of the land comprised in R.S.No.104/1 (New R.S.No.292/2) measuring an extent of 1316 square feet at Sajagananda Nagar, Udayarkudi Town Panchayat, Kattumannarkoil Taluk, Cuddalore District. No costs. Consequently, connected Miscellaneous Petition is closed.

20.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
rgm



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P.T.ASHA, J.

rgm

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