



WEB COPY



W.P.No.35259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.35259 of 2024
and
W.M.P.No.38163 of 2024

Yuvaraj

Vs.

... Petitioner

1.The Commissioner Of Land Administration
And The Chairman Of Centralized Committee
For Restoration Of Panjamar Land,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai-600 005

2.The Principal Secretary
Adi Dravidar And Tribal Welfare Department,
Secretariat, Chennai-600 009

3.The Principal Secretary
The Revenue Department,
Secretariat, Chennai-600 009

4.The District Revenue Officer
State Highway 96, Opp.District Court,
Palayapalayam,
Erode District-638011

5.The Revenue Divisional Officer



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Gobichettipalayam,
Erode District-638452

6.Ponnusamy

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, call for the records pertaining to the sale deed of the conditional land (panchami land) executed in favour of respondent No.6, via document No.1558/1979 before the SRO Anthiyur dated 3.9.1979 and quash the same as illegal and consequently directing the respondents No.1, and 5 to consider the representation dated 20.4.2024 and subsequently direct the respondent No.1 to restore the conditional lands (panchami land) provided to the Scheduled caste person Mr.Petha Paraiyan in survey No.298/2B in Athani village, Bhavani Taluk, Erode District in the year 1921 and re-assign it to the legal heirs of the original assignee of the conditional land within the time frame.

For Petitioner : M/sArun Kasi

For Respondents : M/s.A.Selvendran, Spl.GP.
for respondents 1 to 5.

ORDER



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The above Writ Petition has been filed for the following reliefs:-

" call for the records pertaining to the sale deed of the conditional land (Panchami land) executed in favour of respondent No.6, via document No.1558/1979 before the SRO Anthiyur dated 3.9.1979 and quash the same as illegal and consequently directing the respondents No.1, and 5 to consider the representation dated 20.4.2024 and subsequently direct the respondent No.1 to restore the conditional lands (panchami land) provided to the Scheduled caste person Mr.Petha Paraiyan in survey No.298/2B in Athani village, Bhavani Taluk, Erode District in the year 1921 and re-assign it to the legal heirs of the original assignee of the conditional land within the time frame."

2. It is the contention of the petitioner that on 27.03.1921 the erstwhile British Government had issued a patta in Patta No. 212 for the land measuring an extent of 11.43 acres in S.No.298/2B and R.S.No.105/2. This patta was issued to the petitioner's great



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grandfathers, namely, Petha Paraiyan, Mara Paraiyan, and Periya Paraiyan Periyappan. On 03.09.1979, one Sammiyappa Gounder had forcibly seized the land after coercing the petitioner's great grandfather to cease the agricultural activities. After that the lands in S.No.298/2B and R.S.No.105/2 were forcibly sold by A.P.Thavasi S/o Petha Paraiyan and his sons to Sammiyappa Gounder.

3. A circular dated 19.08.1996 was issued by the Special Commissioner and the Commissioner of Land Administration, Chepauk to all the District Collectors in the Tamil Nadu State that the depressed class lands in local parlance known as "Panchami land" cannot be sold or gifted to a person belonging to a non scheduled caste community and in case of violation the land could be resumed or restored to the original assignee or the legal heirs as per the provisions of RSO 15(41). The Tamil Nadu Government had also constituted a three- member committee to identify the Panchami land in the State and to consider the feasibility of resuming the same.

4. On 20.04.2024, the petitioner had sent a representation to respondents 1 to 5, requesting the restoration of the conditional lands



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(Panchami land) measuring 7.43 acres, which had been granted to Scheduled Caste people. The petitioner had also requested the committee to collect the Panchami land details from all the offices, verify them and re-allot the land to the original assignees or their legal heirs. However, no action has been taken till date. Therefore, the petitioner is before this Court.

5. Heard the counsels on either side and perused the records.

6. The petitioner is seeking to quash the sale deed that has been executed on 03.09.1979 registered as Document No.1558/1979 as illegal and to consider the representation dated 20.04.2024 and subsequently to direct the 1st respondent to restore the conditional patta (Panchami Land) in the name of Mr.Petha Paraiyan with reference to S.No.298/2b in Athani Village, Bhvani Taluk, Erode District and thereafter to re-assign it to the legal representatives of the original assignee of the conditional land.

7. There is absolutely no explanation as to why the petitioner has taken out this application for quashing the order that has been



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passed way back in the year 1979. The sale deed dated 03.09.1979 has been executed by the petitioner's great-grandfather's son A.P.Thavasi in favour of Sammiyappa and therefore, the petitioner cannot feign ignorance about the aforesaid proceedings. Consequently, the petitioner is not entitled to the relief claimed. Further, once the committee which has been formed by the Government to identify the Panchami lands completes its assignment further orders would follow.

8. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

26.11.2024

(shr)
Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No

To

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