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W.P.No.35340 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.35340 of 2019

and

W.M.P.No.36163 of 2019

A.Munirudeeen Ahmed

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep., by its Secretary to Government,
Department of Land Administration,
Fort St. George,
Chennai – 600 009.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

4.Revenue Divisional Officer,
Gumudipoondi Taluk,
Thiruvallur District.



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5.The Tahsildar,
Gumudipoondi Taluk,
Thiruvallur District.

6.The District Aadhi Dravidar,
Welfare Officer,
Thiruvallur District,
Thiruvallur.

7.The Special Tahsildar,
Aadhi Dravidar Welfare Department,
Ponneri Revenue Division,
Ponneri,
Thiruvallur District.

8.The Village Administrative Officer,
No.4, Poovalai Village,
Gumudipoondi Taluk,
Thiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to implement the recommendations made by the 7th respondent in his Communication, dated 20.05.2019, made in Na.Ka.No.123/2019/A1, to arrange the land for burial ground of the Irular Community at Poovalai Village, Gumudipoondi Taluk, Thiruvallur District based on petitioner's representation, dated 25.03.2019.

For Petitioner

: Mr.C.Prabakaran

For R1 to R8

: Mr.P.Sathish
Additional Government Pleader



ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The writ petition has been instituted based on the final enquiry notice issued by the District Collector, Tiruvallur in proceedings dated 07.02.2020.

2. The process of enquiry was under taken by the District Collector to rectify the irregular pattas granted in respect of Government property.

3. The learned counsel for the petitioner would submit that few villagers are attempting to encroach upon their patta land for burial of dead bodies.

4. In this regard, a civil suit has been instituted in O.S.No.374 of 2021 on the file of the Additional District Court, Ponneri. In respect of patta land, the petitioner is at liberty to adjudicate the issues in the pending civil suit. As far as the reclassification of “Vaikkal Poromboke” to Mayanam, it is impermissible.



5. The counter affidavit filed by the District Revenue Officer, Tirvallur

would clarify the facts in the paragraphs 16 and 17, which reads as under:

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“16) As far as the grounds raised in paras 8(b), (c) and (e) of the affidavit, it is submitted that the land in S.No.106/11 measuring 0.11.5 Hectare is not actually a channel poramboke as alleged herein by the petitioner. It is a Mayanam (Burial Ground) Poramboke on ground and according to the entries prevailing in the village accounts of Poovalai Village prior to the implementation of the Updating Registry Scheme. It is pertinent to note that the signs appeared in respect of the Survey No. 106/11 of the FMB Sketch produced by the petitioner at page No.3 of the typed set of papers confirm that they are relating to Burial Ground only but not to the Channel as narrated under the caption of legend in the Village map of Poovalai Village. The erroneous classification of channel crept to in the existing updating registry Scheme accounts in respect of the land in issue has since been rectified by way of restoring to its previous classification of Mayanam (Burial Ground) as per the proceedings of the second respondent Rc.16691/2019/B3



Dated: 22.11:2019. Hence, the grounds raised by this petitioner as to the classification of this S.No.106/11 on the wrong notion of water course poramboke are not tenable on the face of records and ground reality.

17) With respect to grounds raised in para 8 (d) and (f), it is submitted that in as much as the land in S.No.16/11 is not a water course poramboke as averred by the petitioner herein and in view of the fact that the erroneous classification channel recorded in the Updating Registry Scheme accounts in regard to the land under dispute has since been rectified and restored to its original position as Mayanam (Burial Ground) in the order passed by the second respondent on 22.11.2019 no need or necessity is arisen to consider the recommendation of the seventh respondent made in his letter dated 20.05.2019 on any point of view. So therefore the grounds are devoid of merits.”

6. In view of the above counter affidavit, the water course poramboke has not been converted as burial ground. Thus, no further consideration is required.



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7. With these clarifications, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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[S.M.S., J.] [K.R.S., J.]
18.03.2024

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Department of Land Administration,
Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Thiruvallur District,
Thiruvallur.
- 3.The District Revenue Officer,
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