



W.P(MD)No.650 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.650 of 2023

G.Veluchamy

... Petitioner

Vs.

1.The Inspector General of Registration,
Chennai.

2.The District Collector,
Tuticorin District,
Tuticorin.

3.The District Adi Dravidar and
Tribal Welfare Officer,
District Collectorate,
Tuticorin District,
Tuticorin.

4.The District Registrar,
Palayamkkottai Registration District,
Tirunelveli District,
Tirunelveli.

5.The Sub Registrar,
Kovilpatty Sub Registrar Office,
Tuticorin District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fifth respondent to remove the entry classifying the petitioner's land having extent of 2.29.5 Hectares (5 Acres 66 Cents) comprised in Survey No. 294/1A1 at Jameenthevarkulam Village, Kuruvikulam Panchayat Union, Kovilpatty Taluk, Tuticorin District, as belongs to the Adi Dravidar and Tribal Welfare Department, in the Guideline value Register, on the basis of the petitioner's application dated 22.12.2022.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.D.S.Nedunchezhiyan
Government Advocate

ORDER

Heard both sides.

2.The writ petitioner purchased 5 acres and 66 cents of land in the petition mentioned survey number vide sale deed dated 15.10.2012 (Document No.10363 of 2012 on the file of the fifth respondent). Subsequently, the revenue records were also mutated in favour of the petitioner. Copy of the patta has been enclosed at Page No.45 of the typed set of papers.



W.P(MD)No.650 of 2023

3.The grievance of the petitioner is that he is unable to deal with the property because in the guideline value register, the value of the land has been shown as “Nil” and that it belongs to Adi Dravidar and Tribal Welfare Department. The petitioner wants the said classifications to be changed and the entry to be deleted.

4.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

5.The learned Government Advocate appearing for the respondents submits that interference is not warranted in this case.

6.I carefully considered the rival contentions and went through the materials on record.

7.If according to the respondents, the land in question cannot be the subject of any transaction or alienation, the petitioner ought not to have been allowed to purchase the property. It is not as if the petitioner purchased the property through an unregistered document. The sale deed



W.P(MD)No.650 of 2023

executed in his favour by his vendor was duly registered as Document No.10363 of 2012. Patta is also standing in his name. The petitioner's vendors are the legal heirs of one Srinivasan. Copy of the A-Register has been enclosed in the typed set of papers. It clearly indicates the name of Srinivasan as the owner of the property in question. In fact, Survey No. 294/1A1 stood in the name of Srinivasan. Survey No.297/1A2 is shown as Adi Dravidar Kudiyerupu Natham. Therefore, the petitioner had only acted on the entries set out in the revenue record.

8. Therefore, in these circumstances, putting an embargo on the petitioner's right of alienation can only be seen as an act of arbitrariness violative of Articles 14 and 300 (A) of the Constitution of India. I therefore direct the respondents to take steps for deleting offending entry in respect of the petition mentioned land. The land in question shall be shown as the petitioner's patta land in all the records. It is for the respondents to move the Commissioner of Land Administration or any other competent authority so as to effectuate the direction now given in this order. This exercise shall be completed within a period of four months from the date of receipt of a copy of this order.



W.P(MD)No.650 of 2023

9.This writ petition is allowed accordingly. There shall be no order as to costs.

12.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

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W.P(MD)No.650 of 2023

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W.P(MD)No.650 of 2023

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