



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1016 of 2022 AND

W.M.P.(MD)Nos.855 of 2022 & 2276 of 2024

S.Tamilarasan

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Sivagangai District.
2. The District Revenue Officer,
District Revenue Office,
Sivagangai District.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai, Sivagangai District.
4. The Tahsildar,
Tahsildar Office,
Tiruppattur,
Sivagangai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the first respondent herein vide proceedings in Na.Ka.No.C2/19109/2020 dated 30.06.2021 received by the petitioner on 14.07.2021 and quash the same as illegal and further direct the first respondent herein to pass appropriate orders to make necessary corrections in the computer entry and other revenue



records in respect of land in S.Nos.31/5A, 31/5B, 31/13 and 31/14, Bramanampatti Village, Tiruppattur Taluk, Sivagangai District within a time stipulated by this Court.

For Petitioner : Mr.V.Meenakshi Sundaram,
for Mr.I.Velpradeep.

For Respondents : Mr.D.Sasikumar,
Additional Government Pleader.
* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner submitted a petition dated 09.12.2019 before the District Collector, Sivagangai for rectifying the entry in the revenue record in respect of survey Nos.31/1, 31/2 and 32 Bramanampatti Village, Tirupattur Taluk. According to him, the entries in the system erroneously state that they are Government lands. His claim was that his name should be substituted. Since it was not considered, the petitioner filed W.P.(MD)No.7720 of 2020. The writ petition was disposed of on 30.07.2020 and the District Collector was directed to conduct enquiry and pass final order. Pursuant to the said direction, the impugned order dated 30.06.2021 came to be passed. The petitioner's request was



substantially accepted. However, in respect of survey Nos.31/5A, 31/5B, 31/13, 31/14, the petitioner's request was rejected. Challenging the impugned order insofar as his request was negatived, the present writ petition came to be filed.

3. The learned counsel appearing for the writ 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.

4. The learned Additional Government Pleader appearing for the respondents submitted that the impugned order is well reasoned and that interference is not warranted.

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

6. It is seen that the land measuring an extent of 18.9 acres was classified as Kundakan Kanmoi. Assignments were made in respect of a number of persons in the year 1980. The assignment orders contained a condition that the lands must be brought to cultivation. The assignees



failed to comply with the condition. Hence, show cause notice dated 04.07.1981 was issued and the assignments came to be cancelled on 07.12.1981. Thereafter, fresh assignments were made in favour of the petitioner and his family members on 31.12.1982. The persons who were originally granted assignments challenged the orders of cancellation as well as the orders granting assignments in favour of the petitioner and his family members. The matter went up to the Commissioner of Land Administration who remanded the matter to the file of the District Revenue Officer, Sivagangai. On 18.04.1987, the District Revenue Officer, Sivagangai passed an order confirming the assignments made in favour of the petitioner and others and rejected the challenge mounted by the erstwhile assignees. Challenging the said order, one Sivasamy filed W.P.No.1762 of 1988. It was dismissed on 26.08.1988. Challenging the same, Sivasamy filed W.A.No.1248 of 1988. The Hon'ble First Bench vide order dated 10.06.1991 dismissed the writ appeal and confirmed the order passed by the learned Single Judge. Thus, the order of assignment made in favour of the petitioner and others was given seal of approval by the Hon'ble First bench of the Madras High Court.

7. The revenue record should be obviously in consonance with



the said order and it cannot run counter thereto. On this sole ground, the contention advanced by the petitioner's counsel deserves to be accepted.

He points out that survey Nos.31/5A, 31/5B and 31/4 have been erroneously classified as Arasu Punjai Anadeenam. When once assignment has been granted in respect of those lands, they lose the character of Anadeenam. They became patta lands and of course subject to conditions that may go with the assignment. They could not have been classified as Arasu Punjai Anadeenam. To this extent, this writ petition deserves to be allowed.

8. I am not however able to accept the petitioner's counsel's contentions as regards survey No.31/13. It is stated by the respondents that even during UDR survey No.31/13 was classified as Nilaviyal Pathai. There is nothing on record to show that this UDR entry was challenged by the petitioner herein. The petitioner is after all an assignee. Of course the petitioner's counsel would make a statement that he purchased it after paying the market value. It is seen that the petitioner paid a paltry sum of Rs.500/- per acre. In the very nature of things, Nilaviyal Pathai is meant to serve the interest of the villagers. This right cannot be taken away. The respondents are directed to make appropriate



entries in the revenue record as well as FMB. They should specifically earmark the dimensions of Nilaviyal Pathai. The impugned order is set aside insofar as it rejects the case of the petitioner in respect of the aforesaid three survey numbers(S.Nos.31/5A, 31/5B and 31/4). The impugned order is sustained insofar as survey No.31/13 is concerned. Survey No.31/13 should be reclassified. When Nilaviyal Pathai is running on the petitioner's patta land, it cannot be classified as Government Punjai. This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

17.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The District Collector, Collectorate, Sivagangai District.
2. The District Revenue Officer,
District Revenue Office, Sivagangai District.
3. The Revenue Divisional Officer,
Revenue Divisional Office, Devakottai, Sivagangai District.
4. The Tahsildar, Tahsildar Office, Tiruppattur, Sivagangai District.



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G.R.SWAMINATHAN,J.

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