



W.P.(MD) No.19986 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.19986 of 2020

and

W.M.P(MD)No.16656 of 2020

M/s.Classic Knits India Pvt.Ltd.,
Represented by its Managing Director,
Vagarai Village,
Palani Taluk,
Dindigul District.

.. Petitioner

Vs.

1.The District Revenue Officer,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul.

3.The Tahsildar,
Palani Taluk,
Dindigul District.

4.A.Shanmugam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorari, to call for the records of the 1st



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respondent herein in Na.Ka.No.28981/2018/D1, dated 01.12.2020 and quash the same.

For Petitioner : Mr.I.Abrar MD Abdullah
For R1 – R3 : Mr.B.Saravanan
Additional Government Pleader
For R4 : Mr.S.M.Arunkumar

ORDER

The petitioner seeks to issue a writ of certiorari to call for the records from the 1st respondent in his proceedings bearing Na.Ka.No. 28981/2018/D1, dated 01.12.2020 and quash the same.

2. The grievance of the petitioner to the order impugned is set out herein below:

(i) The petitioner company is carrying on business at Vagarai village, after obtaining requisite building plan approval. The factory building had been put up and the petitioner had obtained the factory license and other license required for running his business. Under a registered dale deed, dated 11.06.2001, the predecessor company of the petitioner, namely M/s.Royal Classic Mills Private Limited had



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purchased an extent of 37.05 acres land in Survey Nos.226, 230/1, 223/1, 224, 229/1 (5.04 acres), 227, 239/1 and 229/2 (2.70 acres) from one M/s.Adithya Explosives Pvt.Ltd. The writ petition relates to the property comprised in Survey Nos.229/1 and 229/2. M/s.Adithya Explosives Pvt.Ltd had in turn purchased the property under a registered sale deed, dated 05.09.1986. Under this sale deed, an extent of 5.04 acres in Survey No.229/1 was conveyed to the said M/s.Adithya Explosives Pvt.Ltd by one Aran Madhari and his wife Pappathy for herself and as guardian of her son Shanmugam. Further, an extent of 2.70 acres in Survey No.229/2 was purchased by the said M/s.Adithya Explosives Pvt.Ltd from M/s.Palaniammal w/o Kandasamy Gounder and 3 others. The said M/s.Adithya Explosives Pvt.Ltd were in peaceful possession and enjoyment of the land in question for over 15 years. After the purchase by the petitioner from M/s.Royal Classic Mills Pvt.Ltd, patta was transferred in their name. Patta in respect of Survey Nos.229/1 and 229/2 of Vagarai village was Patta No.939. Thereafter, the petitioner had applied and obtained factory building plan from the Additional Director, Factories, Tiruchirapalli on 14.09.2014. The petitioner has put up



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substantial construction on the property covering over 1.5 lakh sq.ft of build up area. The petitioner is also providing employment for over 2000 people directly and indirectly. Neither when the property was in the possession of M/s.Adithya Explosives Pvt.Ltd nor when it was in the possession of the petitioner's vendor, was any claim or objection raised in respect of the land in Survey No.229 stating that it was a Panjami land assigned to depressed classes or that it was assigned to the vendors Aran Madhari and Palaniyammal under depressed class category.

(ii) It appears that the 4th respondent had made a false complaint to the 2nd respondent stating that the property had been encroached upon by the petitioner. In the course of the enquiry, the petitioner had produced all the documents to show that the complaint was false. However, by an order, dated 11.06.2018 signed on 02.07.2018, assignment made in favour of Aran Madhari and Palaniyammal was cancelled and the documents were directed to be assessed and registered as Government Assessed Waste Dry lands reserved for Panchamars. This order constrained the petitioner to move this Court in W.P(MD)No.19145 of



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2018 challenging the said order. This Court by an order, dated 04.09.2018 was pleased to allow the writ petition and set aside the order and remit the matter back to the 2nd respondent for fresh consideration. The petitioner company would submit apart from putting up substantial construction, nearly an extent of 8.99 acres of land in adjacent property, namely Survey No.216/1A, 1A1 in Marichilam village, Palani was gifted for the Tamil Nadu Agricultural University under a registered giftdeed, dated 09.03.2007 and other extent of 6 acres in Survey Nos.258/1, 214/1A, 215/1A and 216/2A was gifted for various Government projects by the family of the deponent who is none else than the Managing Director of petitioner Company. The petitioner would submit that the lands had been purchased by them in the year 2001 and the entire mill premises is located in these survey numbers over 2000 workers dependent upon the company for their livelihood. The Village Administrative Officer has conducted enquiry and reported that there is no entry in the revenue records that the lands comprised in Survey No. 229/1 was assigned lands. However, without considering all these documents, the 2nd respondent has once again passed the very same order.



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Challenging the same, the petitioner is before this Court.

3. When the matter had come up on 13.12.2023, this Court had directed to produce the original records pertaining to the year 1917 and also the assignment order, dated 19.10.1937 alleged to have been issued in the name of Aran Madhari and Pappathy. The records had been furnished and this Court in its order, dated 20.12.2023 had recorded that there was no records to show the assignment order and the learned Judge has observed that since the assignment order had not been produced, the Court proceed as if no conditions were imposed and would examine as to whether the subsequent alienation made was valid. At that point in time, both counsels sought time to make their submissions. The files were once again called for and on 04.09.2024, the papers were produced and the records would show that Survey No.229 had been subdivided as Survey No.229/1 measuring an extent of 5.05 acres and Survey No.229/2 measuring an extent of 2.70 acres which is evident from the 'A' Register and the subdivision has taken place by an order, dated 19.10.1937. It is these lands which is claimed to have been assigned in the name of



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Pandutha Madhari and Palani. However, not a single document is filed to show that such an assignment has been made. The respondents have not been able to substantiate the contention raised by them in the counter.

4. Therefore, considering the fact that as early as in the year 1986, M/s.Adithya Explosives Pvt.Ltd had purchased the property and had got the patta in respect of the property, the grounds on which the impugned order came to be passed has not been proved by the respondents. Therefore, it has to be held that the property concerned is not the property which belongs to the category of depressed class assignment lands. The Court had also taken note of the fact that the Municipality has granted permission to the petitioner to construct a factory building of 1.5 lakh sq.ft and the same is also in existence and running. In these circumstances, the impugned order is without any basis and not substantiated by proof and the same is liable to be set aside. Portions of the property has also been gifted for various government projects including for putting up the Tamil Nadu Agricultural University. Accordingly, the impugned order, dated 01.12.2020 is set aside.



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5. Accordingly, this Writ Petition stands allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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P.T.ASHA, J.

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