



WP(MD)No.24021 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.24021 of 2024
and
WMP(MD)No.20338 and 20339 of 2024**

T.Murugesan

...Petitioner

Vs

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai -9.

2.The State of Tamil Nadu,
Represented by District Collector,
Madurai Collectorate,
Madurai.

3.The Special Tahsildar (Land Acquisition),
Adi Dravidar Welfare Department,
Collectorate, Madurai.

4.The Head Quarters of Deputy Tahsildar,
Taluk Office, Vadipatti,
Madurai District.

5.The Sub-Registrar,
Office of the Sub-Registrar,
Vadipatti, Madurai District.

...Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records of the impugned entry dated 12.08.2021 shown as item No.38, showing the land of the petitioner measuring 81 cents comprised in S.No.235/6 of Thanichiyam Village, Madurai District as Adi Dravidar Natham as shown in letter dated 12.05.2022 passed by the 4th respondent, quash the same and further direct the respondents to mutate the revenue records for the said land in the name of the petitioner forthwith.

For Petitioner : Mr.S.Vellaichamy

For Respondents : Mr.P.Thambidurai,

Government Advocate

ORDER

The petitioner claims that he is the owner of the land in S.No.235/6 at Senbakudipatti Village, Vadipatti Taluk, Madurai District. He is said to have purchased this land by way of a registered sale deed dated 20.06.2024. He was also issued with a patta in patta No.982. They made a partition among their family on the subject property and they attempted to register the partition deed. However it could not be registered in view of the objections by the authorities that the land belongs to the Adi Dravida Welfare Department. Therefore, the petitioner has sought for information



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under the Right to Information Act by his application dated 11.05.2022 regarding the subject property. The Public Information Officer / Head Quarters Deputy Tahsildar, Vadipatti vide his letter dated Moo.Moo.No.Aa2/3511/2022, dated 12.05.2022 informed this petitioner that the land in S.No.235/6 to an extent of 0.81.0 Ares is recorded in the revenue records as government poramboke land and is classified as Adi Dravidar Natham. Aggrieved over the same, the petitioner has filed this writ petition.

2.The learned Counsel for the petitioner submits that in the year 1998 an attempt was made for acquiring this land for the purpose of providing pathway to a temple belonging to the Adi Dravidar Welfare Department. The acquisition proceedings was challenged by the petitioner before this Court in WP.No.5276 of 1999 and this Court by order dated 19.09.2008 quashed the said acquisition proceedings. Even after the orders of this Court, the revenue records have been changed, as if it is the land of the Adi Dravidar Welfare Department. In view of this stand taken by the respondent, the petitioner could not register his partition deed. Therefore, this writ petition is closed.



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3.The learned Additional Government Pleader appearing for the respondents submits that the order challenged in this writ petition is only an information provided under the Right To Information Act. The petitioner has also submitted a representation to the District Collector on 17.05.2022 based on which a report was called for from the Special Tahsildar (Land Acquisition), Adi Dravidar Welfare. The Special Tahsildar has also submitted his report to the District Adi Dravidar and Tribals Welfare Officer by referring to the orders of this Court passed in WP.No.5276 of 1999, dated 19.09.2008. According to the learned Additional Government Pleader, the Special Tahsildar has been requested to restore the patta in favour of the petitioner.

4.This Court considered the rial submissions made.

5.The order impugned in this writ petition is only an information provided under the Right to Information Act about the land in S.No.235/6 by the Public Information Officer as per the revenue records available. It appears that as per the revenue records, the land in S.No.235/6 has been classified as Adi Dravidar Welfare and therefore, this Court is not inclined to interfere with the information provided by the Public Information Officer.



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However, it is stated that the information has been provided with the available records without having the knowledge of the orders of this Court passed in WP.No.5276 of 1999, dated 19.09.2008 by which the acquisition proceedings initiated in the year 1998 was quashed by this Court. The relevant portions of the order dated 19.09.2008 are extracted as under:

“18.It is evident from the materials available on record that there was no serious attempt made by the respondents to comply with the provisions of the Act 31 of 1978 before acquiring the property of the petitioner and the mandatory provisions of the Act have been flouted. In such view of the matter, the impugned notification is liable to be quashed.

19.In the result, impugned notification issued by the first respondent in Na.Ka.No.L7/39884/98 dated 11.07.1998 and published on 22.07.1998 is quashed and the writ petition is allowed. No costs. It is open to the respondents to initiate fresh land acquisition proceedings in accordance with law.”

6.The petitioner has also submitted a representation before the District Collector in this regard in the year 2022, based on which a report has also been called for from the Special Tahsildar (Land Acquisition),



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Adi Dravidar Welfare and the Special Tahsildar has also submitted a report to the District Adi Dravidar and Tribal Welfare Officer, Madurai vide proceedings in Na.Ka.No.2776/1997/A, dated 28.1.2022. Therefore, this writ petition is disposed of with liberty to the petitioner to pursue his representation dated 17.05.2022 and the respondents shall take a decision on the petitioner's representation within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petitions are closed.

14.10.2024

Internet : Yes / No

Index : Yes / No

DSK

To

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Adi Dravidar and Tribal Welfare Department,
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- 2.The District Collector,
Madurai Collectorate,
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- 3.The Special Tahsildar (Land Acquisition),
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4.The Head Quarters of Deputy Tahsildar,
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5.The Sub-Registrar,
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B.PUGALENDHI.J.,

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