



W.P.(MD) No.10074 of 2017 etc. batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) Nos.10074 to 10077, 10079,
10083, 10084 & 10090 of 2017**

W.P.(MD) No.10074 of 2017

Rahul Chachan,
S/o.Brij Mohan Chachan,
Partner,
Sri Krishan Exports,
Thuvarankulam Village,
Melur Taluk,
Madurai District.

... Petitioner

Vs.

- 1.The District Collector,
Collector Office,
Madurai.
- 2.The Revenue Divisional Officer,
Melur Division, Othakadai,
Madurai District.
- 3.The Thasildar,
Melur Taluk, Melur,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus to direct the respondents not to effect any changes in the classification of lands in Survey No.98/2B measuring an



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extent of 1.93 Acres and the land in Survey No.98/3A measuring an extent of 0.64 Acres totaling to an extent of 2.57 Acres comprised in Thuvarankulam Village, Melur Taluk, Madurai District as Panchamar Lands and to adopt the classification as per the UDR 'A' Register of the year 1987.

For Petitioner : No appearance

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

COMMON ORDER

By this common order, all these Writ Petitions are being disposed of.

2. In these Writ Petitions, the petitioner have prayed for a direction to the respondents not to effect any changes in the classification of the subject lands as Panchamar Lands and to adopt the classification as per the UDR 'A' Register of the year 1987.

3. Earlier, an interim order came to be passed by this Court on 25.07.2024 in these Writ Petitions recording the Status Report filed by the Tahsildar. On that day, there was no representation on behalf of the petitioners. Today also, there is no representation for the petitioners.



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4. Although these Writ Petitions are liable to be dismissed for want of prosecution, I am inclined to dispose of these Writ Petitions as the Tahsildar has filed a Status Report dated 05.07.2024. The petitioners have filed these Writ Petitions after the Tahsildar had issued Notices dated 18.12.2016, 13.03.2017 & 23.03.2017, wherein, the petitioners were called upon to furnish the documents.

5. It appears that one Shanthi, a member of the Association for Women Labourers in Agriculture and a resident of Kalimangalam Village, Melur Taluk, Madurai District, had filed a Writ Petition in W.P.(MD) No. 6194 of 2006 challenging the encroachment of Panchami Lands by several persons. The said Writ Petition was disposed of on 14.12.2006.

6. The third respondent Tahsildar taking cognizance has issued Notices to the respective petitioners. Apprehending the change of classification, the petitioners have approached this Court in these Writ Petitions without furnishing the documents. The Status Report dated 05.07.2024 filed by the third respondent Tahsildar reads as under:-



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1. I respectfully submit that I am the 3rd Respondent herein in all the above writ petitions and as such I am well acquainted with the facts and circumstances of the case from the available office records. I have carefully perused the contents of the affidavits filed by the Writ Petitioners herein in support of the above writ petition and I deny all the averments contained thereon except those that are specifically admitted hereunder and the Petitioner herein is put to strict proof thereof. In obedience to orders of this Hon'ble court I crave leave of this Hon'ble Court to file the common status report as the prayer and relief sought for by the Writ Petitioners are similar and identical.

2. It is respectfully submitted that the Petitioner herein have has prayed for a Mandamus to direct the respondents not to effect any changes in the classification of lands in the following Survey Numbers as Panchamar lands and to adopt the classification as per the UDR A Register of the year 1987:

Village: Thuvarankulam village, Melur Taluk

Sl No.	Writ Petition No.	Survey No,	Extent	Classification
1.	10074/2017	98/2B 98/3B	2.57 acres	Ryot Punjai
2.	10075/2017	72/1A2	1.55 acres	“
3.	10076/2017	72/2A	1.77 Acres	“
4.	10077/2017	96/1C	1.02 Acres	“
5.	10079/2017	100/2	0.88	“
6.	10083/2017	72/2B	0.88 Acres	“



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7.	10084/2017	72/1A1	1.45 Acres	“
8.	10090/2017	98/3B	1.50 Acres	“

Insofar as the above lands are concerned, there is no proposal to transfer above patta land as 'paniamar tharisu'. The writ petitions are misconceived and devoid of truth and as such liable for dismissal inlimine.

3. At the outset, I most humbly beg to submit that even before Independence, reserving lands to the 'depressed classes' can be drawn from the 'Depressed Classes Land Act 1892' which mandated that the lands distributed to the 'depressed class' were called 'panchami lands' which were given under certain conditions viz. that they cannot sell the lands or lease them away or give as gifts or pledge them for the first ten years and after the expiry of the ten year period, the lands could be transferred, but only to persons belonging to the depressed classes and any breach of these conditions will entail cancellation of the assignment which was held as constitutionally valid in *Sri Manche Godwa vs State of Karnataka* as reported in 'AIR 1984 SC 1151' as Article 46 of the Constitution of India casts upon the State a duty to provide economic justice to Scheduled Castes/Scheduled Tribes and other weaker sections of the Society and to prevent their exploitation and under Article 39(b) of the Constitution, the State is enjoined to distribute its largess, land, to subserve the public good and the right to economic justice to the Scheduled Castes and other weaker sections is a fundamental right to secure equality of status, opportunity and liberty. In rural India, land provides economic status to the owner and that any violation would not only be the violation of the constitutional



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policy but also opposed to public policy under Section 23 of the Contract Act, 1872. Even before Independence, it was thought fit to earmark lands exclusively for the use of 'panjamars' with a view to uplift them and to improve their standard of living and hence at the instance of the then Government, the Revenue Divisional Officers were entrusted with the identification of such lands during 1932-34 and 'tharisu' Government lands were identified in each village and taken to 'Panjamar Register' and assignment of such lands were made only to the families belonging to 'adi-draavidar communities'. Special 'Form D' was incorporated in the then Board Standing Order vide G.O.Ms.No.3092 Revenue Department dated 12.12.1946 the said condition was made mandatory to be inserted in Form D in Appendix V of RSO 15 vide G.O.Ms.No.1715 Revenue Department dated 19.10.1982 by stating that "if the land is alienated to any person within a period of 10 years from the date of use the grant by way of sale, gift, mortgage, lease of any kind, or after that period, to any person who is not a member of the Scheduled Caste the grant will be liable to be resumed to the Government who will be entitled to re-enter and take possession of the land without payment of any compensation or refund of the purchase money" and as per Board Standing Order (now Revenue Standing Orders) 15(41),4(iii) and the land can be resumed in terms of RSO 15(18) the land assigned to Scheduled Caste Community can be resumed back for violation of the said condition. The Division Bench of this Hon'ble Court in the case of "V.G.P. Prem Nagar vs the State of Tamil Nadu" tested the vires of the above condition and found be valid in the eye of law. insofar the Melur Taluk is concerned, list of panchami lands' were compiled after personal verification by the competent authority on 30.09.1934. On the instructions of the Commissioner of Land Administration, Chennai vide Roc. No. F1/5091/95



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dated 01.04.1998, a thorough verification of Panjamar lands were land and detailed report was sent by the then Tahsildar, Melur in Roc. A3/7075/2010 dated 15.05.2012 and on the basis of the same changes in the revenue records including in Tamil Nilam package were effected indicating 'Panjamar tharisu' in various villages in Melur Taluk. Insofar as Thuvarankulam village is concerned, only the lands comprised in S.Nos.97/1A, 1B, 97/2, 3A, 3B changes were effected as panjamar lands and not the lands referred to by the Petitioners in the writ petition.

4. I most humbly submit present day status of the lands relating to the writ petitions are given in nutshell as below:

Village: Thuvarankulam village, Melur Taluk

Sl. No.	Writ Petition No.	Survey No,	Extent (in ares)	Classifi - Cation	Patta No. Name of Pattadar
1.	10074/2017	98/2B 98/3B	0.61.00 (2.57 acres)	Ryot Punjai	692. Babu Lal & Bijla ram
2.	10075/2017	72/1A2	0.59.20 (1.55 acres)	“	571.Sanjay Swath
3.	10076/2017	72/2A	0.36.0 (1.77acres)	“	585.Balveer Thugastava & 3 others
4.	10077/2017	96/1C	0.41.0 (1.02 acres)	“	688.Rajendra Chouthry
5.	10079/2017	100/2	0.88.0	“	576 Babu Ram
	10083/2017	72/2B	9.35.50 (0.88 acres)	“	626. Chanakya Jain



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7	10084/2017	72/1A 1B	0.55.50 (1.45 acres)	“	717.Kishan gar, Harihant Granites
8.	10090/2017	98/3B	0.61.00 (1.50 acres)	“	692. Babu Lal & 1 anr.

Hence most respectfully submit that the petitions itself are misconceived and devoid of truth and hence the writ petitions are liable for dismissal inlimine.

7. The above Report seems to indicate that the land S.Nos.97/1A, 1B, 97/2, 3A, 3B were only classified as Panchamar Lands and not the lands referred to by the petitioners in these Writ Petitions.

8. Therefore, these Writ Petitions are liable to be dismissed and are dismissed leaving it open for the third respondent Tahsildar to proceed with the enquiry and pass final order pursuant to the enquiry Notices dated 18.12.2016, 13.03.2017 & 23.03.2017. No costs.

02.08.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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C.SARAVANAN, J.

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