



W.P.No.13459 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

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P.Srinivasan

...Petitioner

Vs

1.Additional Chief Secretary
Land Administrative Department of Tamil Nadu
Office of the Commissionerate of Land Administrative
Ezhilagam Maligai,
Chepauk – Chennai – 5.

2.The Directorate
Addi-Dhiravider Welfare Department,
Office of the Commissionerate of Land Administrative
Ezhilagam Maligai, Chepauk,
Chennai – 5

3.The District Collector
O/o. The district Collectorate
Salem District.

4.Revenue Tahsildar
O/o the revenue Tahsildar
Omalur Taluk, Salem District.

5.Tahsilder
Adi-Diravider Welfare Department – (Thani)
O/o the Revenue Tahsildar
Omalur Taluk, Salem District.



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6.The Block Development Office
O/o.The Block Development Office
Omalur Union Buildings,
Omalur Taluk, Salem District.

7.Selva Perumal

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Mandamus, direct the 3rd respondent to classified the land in survey no. 35/1 extent 1.21.0 hectare in situate at U.Maramangalam Village, Omalur Taluk, Salem District, as Gerama Arijina Natham from Thooppu Poramboke as per proceeding in Na.Ka.1051-1986 P dated 20.06.2022 and proceeding in Na.Ka.1051-1986 P, dated 29.07.2022 and consequently by this court may be direct to 3rd respondent to vacate the 7th respondent who is illegally occupied in the government land and may be direct to provide the said land to the beneficiary.

For Petitioner : Mr.G.Munuraj
For Respondents : Mr.A.Selvendran
Special Government Pleader
(For R1 to R6)
Mr.M.Elango for R7

ORDER

The Writ Petition has been filed for the following relief:-

To direct the 3rd respondent to classify the land in survey No.35/1
to an extent of 1.21.0 hectare situate at U.Maramangalam Village,



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Omalur Taluk, Salem District, as Gerama Arijina Natham from Thooppu Poramboke as per proceeding in Na.Ka.1051-1986 P dated 20.06.2022 and proceeding in Na.Ka.1051-1986 P, dated 29.07.2022 and to direct the 3rd respondent to vacate the 7th respondent who is illegally occupied in the government land and may be direct to provide the said land to the beneficiary.

2.The petitioner has approached this Court stating that about 60 families in the village in which he resides belonged to the poor socio economic status and did not own land. The elders of the family from the year 1980 made applications to the official respondents for providing them with land so as to enable them to eke out their livelihood. The petitioner is given to understand that the fourth respondent had recommended after inspection of that survey No.35/1 measuring an extent of 1.21.0 hectares could be allotted for the aforesaid purpose vide his proceedings in ROC.No.1051/86B dated 11.07.1986. Thereafter, the process of taking possession was also announced with the issue of public notice. The notice clearly mentioned that no person could trespass or enter into the said land and not to cultivate the said land or put up construction. The authorities had re-classified the land as Grama Harijan



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Natham land from Thoppu Poromboke and had informed the persons that the lands would be made available to the beneficiaries of the village namely Valluvar people.

3.At this point in time, the seventh respondent had illegally occupied the land though the seventh respondent owned 2 acres of patta land. When the respondents 3 to 5 commenced the process of taking possession while issuing notice, seventh respondent had filed a suit for declaration and permanent injunction before the learned District Munsif, Omalur in O.S.No.477 of 1986 and the said suit came to be dismissed by judgment and decree dated 23.11.1995 and this decree was confirmed in appeal A.S.No.136 of 1999 and thereafter this Court by judgment dated 20.12.2018 had held that the lands belong to the Government and therefore adverse possession could not be claimed. This Court had also directed that the palm trees that have been illegally planted should be removed. The Court also took into account the fact that the seventh respondent had not claimed any right under a 2 C patta.

4.Thereafter, the petitioner had sent representation to the respondents 1 to 5 to give effect to their decision to allot the lands in



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question. However, there was no response prompting them to file Writ Petition in W.P.No.10090 of 2022 and this Court was pleased to direct the fifth respondent to consider the representation. Despite the several attempts the was hitting a stone wall. Therefore, the petitioner is before this Court.

5.No counter has been filed. Heard the learned counsels on either side and perused the records. Mr.A.Selvendran, the learned Special Government Pleader takes notice on behalf of respondents 1 to 6.

6.Though the Writ Petition is for a direction to reclassify the lands and for evicting the seventh respondent, the Writ Petition is allowed with a direction to the third respondent to consider the petitioner's representation dated 13.09.2022 in the light of the fourth respondent's recommendation dated 11.07.2023, the decree against the seventh respondent in O.S.No.477 of 1986 which has been confirmed in second appeal No.1234 of 2004 and taking into consideration the fact that the seventh respondent has no right to use on the basis of 2 C patta and dispose of the same within a period of three weeks from the date of receipt of copy of this order and giving notice to the petitioner as well as the seventh respondent and giving them personal hearing.



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WEB COPY 7. Accordingly, the Writ Petition is allowed with the above directions. No costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order
ep



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To

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