

W.P.(MD)No.3015 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2025

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.3015 of 2023

1.Murugesan

2.R.Arumugam

3.A.Loganathan

4.S.Siva

... Petitioners

Vs.

1.The Commissioner of Land Administration,
O/o.The Commissioner of Land Administration,
Ezhilagam,
Chepauk, Chennai -5.

2.The District Collector,
O/o.The District Collectorate,
Dindigul District.

3.The District Revenue Officer,
District Revenue Office,
Dindigul District.

4.The Revenue Divisional Officer,
Revenue Divisional Office,
Palani.

5.The Tahsildar,
Oddanchathiram Taluk,
Dindigul District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5 to conduct the enquiry and provide the land assignment to the petitioners in respect of panjami lands comprised in S.Nos.303/1, 303/2 and 300 situated at Mandavadi Village, Ottanchathiram Taluk, Dindigul District, within the time frame stipulated by this Court.

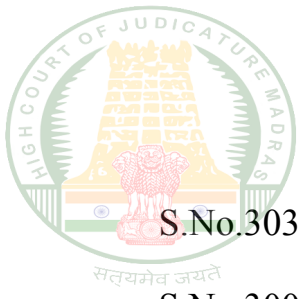
For Petitioner : Mr.S.Rajasekar
For M/s.Lajapathi Roy and Associates

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.R.Raghavendran
Government Advocate

ORDER

The writ petition has been filed for writ of Mandamus, directing the respondents 1 to 5 to conduct enquiry and provide land assignment to the petitioners in respect of panjami lands in S.Nos.303/1, 303/2 and 300, at Mandavadi Village, Ottanchathiram Taluk, Dindigul District, within a time stipulated by this Court.

2. The subject lands in S.Nos.303/1, 303/2 and 300, at Mandavadi Village, Ottanchathiram Taluk, Dindigul District, classified as Panjami lands were allotted to three members of Arunthathiyar community. The land in S.No.303/1 to an extent of 1.77 acre was allotted to R.Subban Mathari,

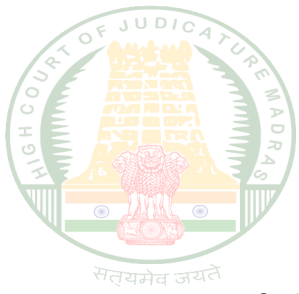


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S.No.303/2 to an extent of 1.77 Acre was allotted to R.Pazhani Mathari and

S.No.300 to an extent of 3.77 acre was allotted to Paramana Mathari. In

pursuance of the assignment, the assignment patta holders were in possession and enjoyment of the panjami lands. While so, the other community people, namely, Gounder community tried to grab the subject lands by exercising political influence. Meanwhile, one Karuppusamy, S/o.Kaliappa Gounder was trying to grab the subject lands by way of illegal encroachment and claimed assignment patta in respect of the same. The first respondent after conducting detailed enquiry rejected his claim, by order, dated 31.07.2020. The said Karuppusamy preferred a writ petition in W.P(MD)No.1934 of 2020 and the same was pending. Under the circumstances, the petitioners submitted a representation to the respondents to issue assignment patta in respect of the subject lands on the basis of other community, viz., Scheduled Caste and weaker economic status. In the meantime, one Vadivel, S/o.Kaliappa Gounder illegally encroached the land and started cultivating the same. The Government issued eviction notice to remove all encroachments. As the subject lands were under the custody of the Government, the petitioners sent a representation on 26.04.2022 to the respondents requesting for land assignment patta to the petitioners for the subject lands. As no action was taken, the petitioners filed the above writ petition for the aforesaid relief.



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3. The respondents filed a detailed counter and submitted that as per the Revenue Standing Order 15(41) (4) (I), the alienation of the said lands assigned to Scheduled Caste people shall not be alienated to any person except the members of the said caste and for violation of the said condition, the Government was empowered to resume the lands. According to the respondents, in violation of the said conditions, the legal heirs of the original assignees sold the said lands to other caste people, namely, Kaliappa Gounder, through registered deed Nos.112/1965 and 422/1965. As it was brought to the notice of the Government that the assignees sold the said lands to other caste people by violating the condition in the aforesaid Standing Order, the third respondent resume the lands back to the Government vide order, dated 05.03.1987 in Proceedings No.22149/1985 and 22153/1985 DL and directed to register the lands as panjami lands in revenue records. According to the respondents, the petitioners' request for assignment cannot be considered as the lands were assigned as house site to poor people at Thangachiyammampatti Village, due to formation of four lane Highways road in the Village.

4. The learned counsel for the petitioners submits that the petitioners belongs to the Scheduled Caste community and therefore, they were entitled to assignment of orders in respect of the said lands in S.Nos.303/1, 303/2 and 300,



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at Mandavadi Village, Ottanchathiram Taluk, Dindigul District. The learned counsel for the petitioners submits that as the subject lands were under the custody of Government in view of the resumption order passed by the Government, the petitioners were entitled to seek for assignment of the aforesaid lands. The learned counsel for the petitioners submits that even as per the counter affidavit of the respondents, the respondents reserved the said lands for grant of house site to the landless poor at Thangachiyammapatti Village, due to the formation of four lane national highways road in the said village. The learned counsel for the petitioners submits that the petitioners belong to the Arunthathiyar community, are land less poor and therefore, the petitioners are entitled to house site patta. The learned counsel submits that the competent authority to decide the issue is the Commissioner of Land Administration and therefore, a direction may be issued to the Commissioner of Land Administration, to consider the petitioners' representations, dated 26.11.2022 and 22.03.2022.

5. The learned Additional Advocate General appearing for the respondents submitted that the legal heirs of Kaliappa Gounder, who purchased the subject property from the original assignees filed the writ petition in W.P(MD)No.1934 of 2024 challenging the order, dated 31.07.2020 of the first respondent and for direction to the respondents to assign the land in the said

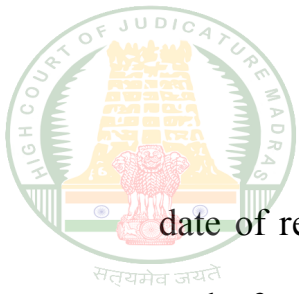


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survey numbers to the petitioner therein on payment of double cost of the market value of the said land. This Court allowed the writ petition with the direction to the first respondent to consider the petitioner's claim in the light of the observation made therein and pass orders within a period of 8 weeks from the date of receipt of a copy of the order. In pursuance of the order passed by this Court, the Commissioner of Land Administration, Chennai issued notice on 04.10.2024 to the petitioners to appear for hearing on 24.10.2024. The learned Additional Advocate General therefore submitted that as the petitioners are the legal heirs of the original assignees, a direction may be issued to the Commissioner of Land Administration, Chepauk, Chennai to decide both the matters together.

6. Though the learned Additional Advocate General submits that the petitioners as the legal heirs of the original assignees were claiming on the basis of succession, the learned counsel for the petitioner denies the same and submits that the petitioners were not claiming the succession of the original assignees, but were claiming independently.

7. It is seen that earlier in W.P(MD)No.1934 of 2021, this Court while quashing the impugned order directed the first respondent to consider the claim of the petitioner therein and pass orders within a period of 8 weeks from the



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date of receipt of a copy of the order. The petitioners in the writ petition also seek for assignment of lands on the ground that they are landless poor belonging to Scheduled Caste community and that as the lands are panjami lands, their claim for assignment should be considered. Admittedly, the lands are panjami lands and therefore, the petitioners, who belong to the Scheduled Case Community would be entitled to assignment of panjami lands. Therefore, I am of the view that a direction should be issued to the first respondent to consider the petitioners' representation, dated 26.11.2022 and 22.03.2022 and pass orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition stands disposed of. No costs.

21.01.2025

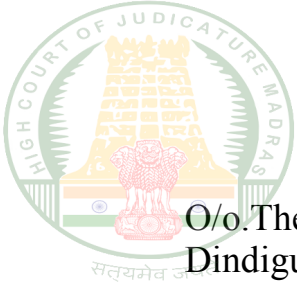
NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

1.The Commissioner of Land Administration,
O/o.The Commissioner of Land Administration,
Ezhilagam,
Chepauk, Chennai -5.

2.The District Collector,

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O/o. The District Collectorate,
Dindigul District.

3. The District Revenue Officer,
District Revenue Office,
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N.MALA, J.

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