



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2025**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.25703 OF 2022

and

W.M.P(MD)No.19812 of 2022

M.Lakshmanan

: Petitioner

On behalf of

1.P.Vellaiyan

2.T.Moovendran

.VS.

- 1.The District Collector,
District Collector Office,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Near TVS Chakkara Tyres,
Melur Taluk,
Madurai District.
- 3.The Tahsildar,
Tahsildar Office,
Melur Taluk,
Madurai District.
- 4.The Village Administrative Officer,
Village Administrative Office,
Keelapathinettangudi Post,
Melur Taluk,
Madurai District.



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5.The Executive Engineer,
Kilakkukottam,
63, EB Colony,
New Natham Road,
Madurai – 625 002.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to stay back the land as Thiyagi land instead of Panchami land as it is in Madurai Collector's order Thiyagi Nallathambiyapillai to safeguard our family and children in S.No. 116/4A, patta No.694 for the total extent of 5 acres.

For Petitioner

:Mrs.V.Jeyarani

For Respondents
1 to 5

:Mr.R.Raghavendran
Govt.Advocate(Civil Side)

O R D E R

This Writ Petition is filed for a Writ of Mandamus directing the respondents to classify the land and restore the classification of land as Thiyagi land instead of Panchami land.

2.Mr.R.Raghavendran, learned Government Advocate(Civil Side) takes notice for the respondents 1 to 5. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner's great grand-father Periyakaruppakone



purchased the subject lands on 13.05.1963, from one Thiyaagi, named Nallathambiyapillai's first daughter N.Jothimani in S.No. 116/4A, patta No.694 to a total extent of 5 acres at Pathinettangudi, Melur for valuable consideration of Rs.5000/-. Since the date of purchase, the Petitioner's great grand-father was in possession and enjoyment of the above said properties. After the demise of the Petitioner's great grand-father, the property was divided between his legal heirs Thannaikone, Mari and Vellaiyan. The said persons were issued patta in Patta No.489, 753 and 973 and they were in possession and enjoyment of their respective lands. The Petitioner's as legal heir of the aforesaid persons, was enjoying the properties by planting plaintain trees and eking out their livelihood. In the entire extent of 5 acres, there was only one well and electricity service connection in S.C.No.24. The Petitioner applied for electricity connection for a new well in S.No.116/4A10. At that time, to the shock and dismay of the Petitioner, the authorities of the Electricity Board informed the Petitioner that the Petitioner's land was classified as Panchami land and so service connection could not be given. The Petitioner therefore submitted a representation to the respondents 1 to 4 on 24.8.2022 to restore the classification of land as Thiyaagi land. In spite of the Petitioner's representation, no action was taken and therefore the Petitioner filed the above Writ Petition for the



aforesaid relief.

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4.The learned counsel for the Petitioner submitted that the subject lands were assigned by the District Collector, Madurai in favour of Nallathambiyapillai and his daughter sold the property to the Petitioner's great grand-father for valuable consideration of Rs.5000/-.Since then, the Petitioner's family was in possession and enjoyment of the property.The learned counsel further submitted that as the property was classified as Thiyagi land, reclassification of the land as Panchami land is erroneous and the same deserved to be set aside and classification as Thiyagi land had to be restored.

5.I have heard the submissions of the learned counsel appearing on either side and perused the materials placed before this Court.

6.Without going into the merits of the case and in the facts and circumstances of the case, I deem it appropriate to issue a direction to the second respondent to consider the Petitioner's representation, dated 24.8.2022 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the second respondent shall issue notice of enquiry to all the interested



persons including the Petitioner, conduct an enquiry and thereafter pass orders on merits.

7.The Writ Petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

30.01.2025

NSC :Yes/No
Index:Yes/No
Internet:Yes/No

vsn

To

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N.MALA, J.

vsn

ORDER MADE IN
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