

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 8-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION Nos.10093 and 10094 of 2015
and
M.P.Nos.1 and 1 of 2015

Singaradevi

.. Petitioner in
WP 10093/2015

Palanisamy

.. Petitioner in
WP 10094/2015

vs

- 1.The District Collector
Collecotrate, Dharmapuri
- 2.The District Revenue Officer
Dharmapuri District
- 3.The Revenue Divisional Officer
Harur Taluk, Dharmapuri District
- 4.The Tahsildar
Harur Taluk, Dharmapuri District

.. Respondents in
both writ petitions

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents from dispossessing the petitioners from their patta lands situate in S.F.Nos.133/1A, 133/1B & 133/1C and S.F.Nos.133/2A, 133/2B & 133/2C, Sikkampatti Village, Harur Taluk, Dharmapuri District respectively.

For Petitioners : Mr.P.Valliappan
For Respondents : Mr.S.V.Duraisolaimalai
Additional Government Pleader

COMMON ORDER

By consent, the writ petitions are taken up for final disposal.

2.W.P.No.10093/2015:- The petitioner claims that she is the owner of lands in S.F.Nos.133/1A, 133/1B and 133/1C situated at Sikkampatti Village, Harur Taluk, Dharmapuri District, admeasuring to an extent of 1.07.0 hectares, and she purchased the said lands more than 35 years back and the revenue records were also mutated in her name and while so, she was issued with a notice dated 3.8.2010, by the third respondent stating that the lands in question, were assigned to Adi-dravida people and in violation of the assignment, she has purchased the same and was called upon to show cause as to why patta should not be cancelled and the lands be resumed in favour of the Government. The petitioner in response to the said notice,

submitted a reply on 11.8.2010, and once again, the third respondent had issued a notice on 4.8.2012, calling upon her to show cause as to the cancellation of patta and resumption of land. The petitioner has also filed a suit in O.S.No.60 of 2015, on the file of the Court of District Munsif, Harur, against the Collector and District Revenue Officer of Dharmapuri District and the Revenue Divisional Officer and Tahsildar of Harur, praying for permanent injunction restraining them from interfering with her possession and there is no interim order subsisting in her favour. The apprehension expressed by the petitioner, is that the respondents 3 and 4 are taking emergent steps to dispossess her without resorting to due process of law and therefore, she came forward to file this writ petition.

3.W.P.No.10094/2015:- The petitioner claims that he is the owner of lands in S.F.Nos.133/2A, 133/2B and 133/2C, situated at Sikkampatti Village, Harur Taluk, Dharmapuri District, admeasuring to an extent of 1.49.0 hectares, and he purchased the said lands more than 25 years back from one Krishnamurthy and ever since the date of purchase, he is in possession and enjoyment of the same and the revenue records were also mutated in his name. The petitioner apprehending dispossession, also filed a suit in O.S.No.59 of 2015, on the file of the Court of District Munsif, Harur, for permanent injunction and no interim order is subsisting in his favour. The grievance expressed by the petitioner, is that without issuing any notice whatsoever, the respondents 3 and 4 are attempting to dispossess him from the lands and therefore, he came forward to file this writ petition.

4.The Court heard the submissions of Mr.P.Valliappan, learned Counsel appearing for the petitioners, who would submit that the respondents 3 and 4, without resorting to due process of law, are attempting to dispossess the respective petitioners from the lands and left with no other option, they are constrained to file these writ petitions.

5.Per contra, Mr.S.V.Duraisolaimalai, learned Additional Government Pleader, who accepted notice for the respondents, would contend that it is a case of conditional assignment given to Adi-dravida people, and the petitioners, who are caste Hindus, in violation of the conditions of assignment, had purchased the said lands and therefore, action is being taken to cancel the pattas and resume the lands.

6.This Court, taking into consideration the rival submissions and upon perusal of the materials available on record, is of the view that it would suffice to direct the third respondent to follow the due process of law, before dispossessing the petitioners.

7.In the result, the writ petitions are disposed of and the respondents 3 and 4 are directed to follow due process of law, before cancelling the pattas and resuming the lands, by putting the

respective petitioner's on notice, thereby eliciting their response and decide the issue accordingly not later than six weeks from the date of receipt of copy of this order and till then, not to dispossess the petitioners. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

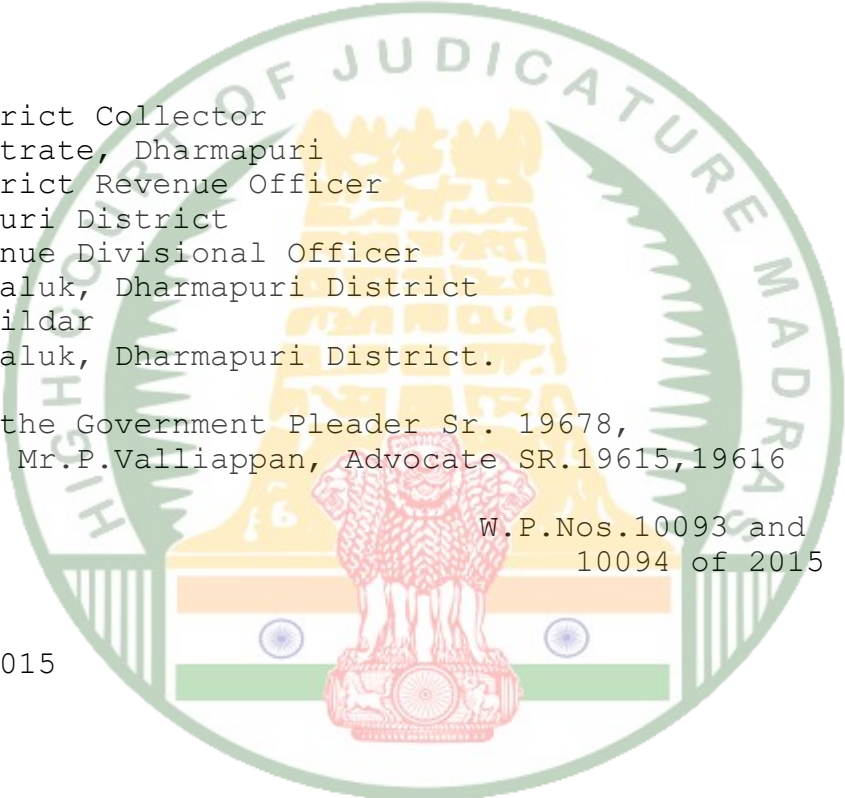
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Harur Taluk, Dharmapuri District.

+ 1 cc to the Government Pleader Sr. 19678,

+ 2 ccs to Mr.P.Valliappan, Advocate SR.19615,19616

W.P.Nos.10093 and
10094 of 2015

PPA (CO)
Eu 28.04.2015



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