



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
and
THE HONOURABLE MRS. JUSTICE J. NISHA BANU

W.A (MD) Nos.1413 to 1418 of 2016
and C.M.P. (MD) Nos.10638 to 10643 of 2016

M.Chellamani	.. Appellant/Petitioner in W.A.No.1413/2016
M.Dhanam	.. Appellant/Petitioner in W.A.No.1414/2016
P.Vijayalakshmi	.. Appellant/Petitioner in W.A.No.1415/2016
M.Muthulakshmi	.. Appellant/Petitioner in W.A.No.1416/2016
P.Sundari	.. Appellant/Petitioner in W.A.No.1417/2016
Thangammal	.. Appellant/Petitioner in W.A.No.1418/2016

Vs .

1.The State of Tamilnadu,
Rep. by its Secretary to Government,
Revenue Department, Fort St. George,
Chennai.

2.The District Collector,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
Madurai District,
Madurai.

4.The Tahsildar,
Madurai South,
Madurai District,
Madurai.

... Respondents/Respondents
in all petitions

COMMON PRAYER: The Writ Appeals are filed under Clause 15 of the
<https://hcservices.ecourts.gov.in/hcservices/>
Letters Patent against the common order dated 28.04.2016 made in
W.P. (MD) Nos.16887 to 16892 of 2015 on the file of this Hon'ble



Court and allow the Writ Appeals.

Prayer in WP(MD). 16887/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the 3rd respondent in Na.Ka.No.14752/2007/C, dated 03.08.2015 and quash the same as illegal and consequently forbear the respondents from in any way evicting the petitioner from their land in Old Survey No.994/1A, T.S No.116, Arapalayam Main Road, Madurai.

Prayer in WP(MD). 16888/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for records relating to the impugned order passed by the 3rd Respondent in Na.Ka.No.14752/2007/C, dated 03.08.2015 and quash the same as illegal and consequently for bear the respondents from in any way evicting the petitioner from their land in Old Survey No.994/1A, T.S.No.116, Arapalayam Main Road, Madurai.

Prayer in WP(MD). 16889/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for records relating to the impugned order passed by the 3rd respondent in Na.Ka.No. 14752/2007/C, dated 03.08.2015 and quash the same as illegal and consequential forbear the respondents from in any way evicting the petitioner from their land in old survey No. 994/1A, T.S.No. 116, Arapalayam Main Road, Madurai.

Prayer in WP(MD). 16890/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the 3rd respondent in Na.Ka.No.14752/2007/C, dated 03.08.2015 and quash the same as illegal and consequently forbear the respondents from in any way evicting the petitioner from their land in Old Survey No.994/1A, T.S No.116, Arapalayam Main Road, Madurai.

Prayer in WP(MD). 16891/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for records relating to the impugned order passed by the 3rd Respondent in Na.Ka.No.14752/2007/C, dated 03.08.2015 and quash the same as illegal and consequently forebear the respondents from n any way evicting the petitioner from their land in Old Survey No.994/1A, T.S No.116, Arapalayam Main Road, Madurai.

Prayer in WP(MD). 16892/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for records relating to the impugned order passed by the 3rd respondent in Na.Ka.No. 14752/2007/C, dated 03.08.2015 and quash the same as illegal and consequential forbear the respondents from in any way evicting the petitioner from their land in old survey No. 994/1A, T.S.No. 116, Arapalayam Main Road, Madurai.

For Appellants : Mr.V.Thirumal in all Writ Appeals
For Respondents : Mr.D.Muruganantham
Additional Government Pleader
in all Writ Appeals

COMMON JUDGMENT

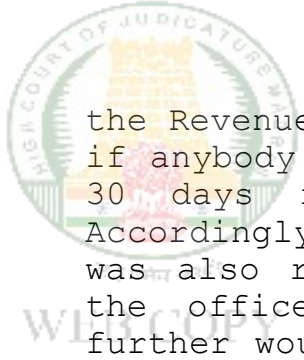
(Judgment of this Court was delivered by M.SATHYANARAYANAN, J.)

By consent, these Writ Appeals are taken up for final disposal. Mr.D.Muruganantham, learned Additional Government Pleader accepts notice on behalf of the respondents.

2.A perusal of the affidavit filed in support of the writ petitions would disclose among other things that the respective appellant/writ petitioner claimed to be in possession and enjoyment of S.No.999/1A, Arapalayam, Main Road, Madurai Town and also constructed dwelling houses and obtained electricity connection, drinking water supply connection and their house properties are subjected to statutory levies. The 4th respondent herein made attempt to dispossess them and made an attempt to demolish the houses taking advantage of the order of the Revenue Divisional Officer dated 03.08.2015, and challenging the same they filed Writ Petitions before this Court. The learned Judge after taking into consideration of rival submissions and perusal of the materials placed including the counter affidavit had extracted the facts and found that the assignment was made to eligible 42 beneficiaries, 8 have not received patta and the remaining 34 persons have not constructed houses and thereby violated the conditions of assignment and the field inspection also revealed the said fact and after issue of show cause notice, the order cancelling assignment came to be passed. The learned Judge further found that the beneficiaries are either employed in Central or State Government and therefore they ought not to have been granted assignment of lands and they have leased out the lands in favour of third parties and therefore thought it fit to sustain the impugned order passed by the Revenue Divisional Officer and dismissed the writ petitions vide common order dated 28.04.2016. Challenging the legality of the said common order, the present writ appeals have been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the appellants would submit that



the Revenue Divisional Officer in the impugned order has stated that if anybody is aggrieved by the order, they can prefer appeal within 30 days from the date of receipt of the said proceedings. Accordingly, they have filed a joint appeal dated 12.10.2016 and it was also received and the appellants received acknowledgment from the office of Revenue Divisional Officer dated 13.10.2016 and further would contend that in similar facts and circumstances, this Court vide order dated 07.09.2016 has directed the concerned official to consider and dispose of the appeal and prays for similar order.

4.Per contra, Mr.D.Muruganantham, the learned Additional Government Pleader appearing for the respondents would submit that very many complaints have been received as against grant of patta in favour of eligible persons and the field verification also revealed the same as true and after issuing show cause notice appropriate decision was taken to cancel the assignment and accordingly the impugned order was passed. Hence, the common order dismissing the writ petitions cannot be faulted with and prays for dismissal of the writ appeals.

5.This Court carefully considered the rival submissions and perused the materials available on record in the form of typed set of papers.

6.In the light of the limited scope of the prayer sought for by the learned counsel for the appellants, this Court without going into the merits of claim projected by them either in the writ petitions or in the memorandum of appeals directs the District Revenue Officer, Madurai, the second respondent herein to entertain the joint appeal dated 12.10.2016 submitted by the appellants/writ petitioners, if the papers are otherwise in order, and pass orders on merits and in accordance with law, as expeditiously as possible, without being influenced by the observations made by this Court in the common order dated 28.04.2016, made in W.P.(MD) Nos.16887 to 16892 of 2015 and communicate the decision taken to the appellants/writ petitioners.

7.The Writ Appeals are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1. The Secretary to Government,
State of Tamilnadu,
Revenue Department, Fort St. George,
Chennai.

2. The District Collector,
Madurai District,
Madurai.

3. The Revenue Divisional Officer,
Madurai District,
Madurai.

4. The Tahsildar,
Madurai South,
Madurai District,
Madurai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 70709
+ 1 CC TO Mr.V.THIRUMAL, ADVOCATE IN SR No. 70000

SJ

TE/KM : 15/12/2016 : 5P/7C

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