



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 31.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.15561 of 2014
and
M.P (MD) .Nos.1 to 4 of 2014

Kavitha

... Petitioner

Vs.

1. The District Revenue Officer,
Tirunelveli District.
Tirunelveli.

2.S.Mariyappan
(R2 is impleaded vide order
dated 31.07.2017 in
MP(MD)No.3 of 2014)

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent herein in Na.Ka.No.A3/27904/12 dated 10.09.2014 and quash the same and consequently direct the respondent not to interfere with the peaceful possession and enjoyment over the property mentioned in S.No.1866 of an extent 81.5 cents situated at Seevalaperi Village, Palayamkottai Taluk, Tirunelveli.

For Petitioner : Mr.V.Maharajan

For Respondents : Mr.T.S.Md.Mohideen, AGP for R1
Mr.Anandh C.Rajesh for R2.

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petition is directed against the proceedings dated 10.09.2014 issued by the respondent cancelling the assignment of free house sites in favour of as many as 12 persons. The said cancellation proceedings came to be issued at the instance of one Mariyappan. The said Mariyappan was filed an application in M.P (MD) No.3 of 2014 to implead himself as respondent in the writ petition. As he is a necessary party in the writ petition, we allow M.P(MD)No.3 of 2014 and he is impleaded as second



respondent.

2.This Court had granted interim order since the order of cancellation was without notice. To vacate the same MP(MD).No.4 of 2014 has been filed. It has been submitted by the District Revenue Officer, Tirunelveli that the land in S.No.1866 in Seevalaperi village measuring an extent of 0.33.0 ares was classified as Natham and free house site pattas to 39 persons were issued by the Tahsildar, Palayamkottai vide proceedings dated 01.09.1993.

3.The assignment was subject to the condition that houses should be constructed within a year and that no alienation should be made for twenty years and that trees should be planted around the houses. However, the husband of the writ petitioner illegally purchased 81 ½ cents from the beneficiaries through an unregistered deed and took possession on 13.05.2003. He subsequently executed a settlement deed dated 26.03.2012 in favour of the writ petitioner who is his wife. The writ petitioner put up a weigh bridge and also constructed a shed in the said place.

4.It is relevant to note that the writ petitioner's husband was the president of Panchayat and thus he was able to obtain house tax assessment in her name. Based on the house tax receipt, she also get electricity connection. Since the land was registered as a Government poromboke and assignments were made for individuals, it was clear that the assignment condition stood violated on account of the sale in favour of an individual to utilise the land for commercial purposes. That is why, the District Revenue Officer issued the impugned proceedings cancelling the earlier assignment. In any event, the assignees are not before this Court. Assignment of free house sites is made by the Government to help the landless poor. By purchasing such assigned lands and utilizing the same for commercial purposes, the object of benefiting the landless poor is subverted and defeated. Since the assignees are not before this Court, we hold that the petitioner has no *locus-standi* to maintain the writ petition. The writ petition is not maintainable.

5.The writ petition stands dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar



To

The District Revenue Officer,
Tirunelveli District.
Tirunelveli.

WEB COPY

+1 cc to Mr.R.Anand , Advocate in SR.No. 68952
+1 cc to Mr.Ananth C.Rajesh , Advocate in SR.No. 68862
+1 cc to The Special Government Pleader in SR.No.69733

Skm/Arul

AE/SKN RSK/SAR1/24.08.2017/3P/5C

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