



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2017

WEB COPY

CORAM:

**THE HONOURABLE MR. JUSTICE M. VENUGOPAL
AND
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**

W.P. (MD) No. 21919 of 2017

Navanappan

: Petitioner

-Vs-

1. The Secretary,
Revenue Department,
Secretariat, Chennai.
2. The District Collector,
Sivagangai District,
Sivagangai.
3. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
4. The Tahsildhar,
Karaikudi Taluk,
Sivagangai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to survey the free assignment lands in Appalai Village, Karaikudi Taluk, Sivagangai District and to cancel the ineligible assignment patta, by considering the Petitioner's representation dated 08.09.2014.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.M.Govindan,
Special Government Pleader

O R D E R

[Order of the Court was made by **M. VENUGOPAL, J.**]

Heard both sides.

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

2. No counter is filed on behalf of the Respondents 1 to 4.



3. By consent, the main Writ Petition itself is taken up for final disposal at the stage of admission.

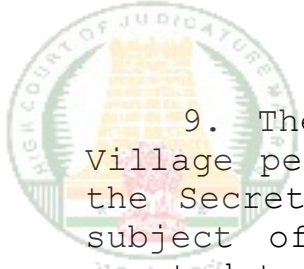
4. According to the Petitioner, there are more than 50 Community people residing in his locality and all the Community people from his locality are maintaining relationship as that of siblings till now and initially, the Village lands belonged to one Muthu Veerappa Chettiyar and he donated the same to his Villagers for agriculture and to construct a Temple on the same. After donation, his Villagers took possession of the lands and enjoyed the same without any hindrance.

5. The stand of the Petitioner is that in the year 1995, the fourth Respondent/Tahsildar, Karaikudi Taluk, Sivagangai District, issued 'assignment pattas' to third persons by violating the Rules. As a matter of fact, the lands were assigned to third parties, viz., those who were not native of the Petitioner's Village and further, the lands were sold to third parties, within five years from the date of assignment, which is also a violation of assignment. In this way, the Petitioner's Village lands were sold to the influential persons and the wealthy people by violating the Rules.

6. The grievance of the Petitioner is that on 12.08.2009, the third Respondent had issued a notice to the illegal beneficiaries in regard to the violation and illegalities committed by them and on 17.08.2009, the third Respondent had issued another notice to the persons as if he would take actions against them. However, till date, there was no progression in the subject matter in issue, in spite of complaints being given to the concerned Authorities.

7. At this stage, the Learned Counsel for the Petitioner submits that the Respondents should have conducted survey and ought to have ascertained the ineligible persons, so as to fulfill the object of the Government in providing free land to the downtrodden people.

8. It comes to be known that the Petitioner, in the typed-set of papers annexed to the Writ Petition, has enclosed a Memorandum dated 03.06.2009, viz., the information furnished by the Headquarters Deputy Tahsildar, Karaikudi, addressed to one Karuppiyah of Nattucheri Group, Appalai Village, Peerkalaikadu Post, Karaikudi Taluk, to the effect that in respect of Karaikudi Circle, Nattucheri Group Appalai Village Survey Nos.299, 307, the lands, which were assigned, were sought to be cancelled and the Office File/Memorandum in Na.Ka.95/13604/08 was issued/sent on 23.06.2008. On this fact was informed to the said Karuppiyah.



9. The present Writ Petitioner (on behalf of the affected Village people) had addressed a communication dated 08.09.2014 to the Secretary of the Revenue Department and three others on the subject of 'cancellation of illegal assignment of pattas being granted to the ineligible persons', wherein, he had mentioned the names of ineligible persons beginning from one Kalimuthu, S/o.Karuppiyah Konar in respect of Survey No.297 measuring an extent of 0.610 Ares and ending with one Aarayee, W/o.Karthar, in Survey No.297-3 measuring an extent of 083.0 Ares and Survey No.310-5 measuring an extent of 018.0 Ares and the persons who obtained the lands are mentioned as Panchavarnam, W/o.Palanichamy, Boopathy, W/o.Baskaran and Jeyalakshmi, W/o.Karuppiyah and ultimately, prayed for cancellation of the assignment of land pattas and requested for issuance of pattas to the proper persons. According to the Learned Counsel for the Petitioner, his representation dated 08.09.2014 addressed to the Secretary of Revenue Department, Fort St. George, Chennai-9 and three others is pending as on date without any progression in the subject matter in issue.

10. It transpires that on 12.12.2008 a Memorandum was issued by the Assistant Commissioner (Excise) to one Karuppiyah of Nattucheri Group, Appalai Village, Peerkalaikadu Post, Karaikudi Taluk, wherein it was mentioned that the Petitions dated 11.08.2008 and 08.12.2008 were transmitted to the fourth Respondent/Tahsildar, for taking necessary action in respect of the cancellation of assigned lands in Survey Nos.299, 307 of Nattucheri Group, Appalai Village, Karaikudi Circle. In this connection, this Court pertinently points out that the main grievance of the present Writ Petitioner (Navanappan) is that the assignment of land pattas were granted/issued to and in favour of outside persons of his Village and, therefore, the same will have to be cancelled by the concerned Authorities after conducting an enquiry, of course, in the manner known to law and in accordance with law.

11. As far as the present case is concerned, even though the Petitioner has styled the present Writ Petition in the form of 'Public Interest Litigation' and in the larger interest of public, this Court is of the considered view that the present Writ Petition in *stricto sensu* of the term cannot come within the ambit of 'Public Interest Litigation'. Obviously, the present Writ Petition is only an individual grievance, though purported to be raised and voiced on behalf of the Village people. Besides that, this Court is of the considered view that it is for the Petitioner to approach the concerned Revenue Authorities through a proper channel by filing necessary application in the prescribed format and to air his grievances and to seek redressal of the same. In this case, the Petitioner is directed by this Court to approach the competent Revenue Authority, viz., the Revenue Divisional Officer, Devakottai, by filing proper/prescribed



application/petition citing the concerned persons, who are ineligible to claim the assignment pattas and further, the Petitioner is directed to mention the survey numbers and the extent of the land enjoyed by them. Moreover, the Petitioner is also to ascertain the name of persons who have purchased the assigned lands and also array as one of the parties to his Petition to be presented before the third Respondent and after arraying all of them as necessary and proper parties for an effective and efficacious adjudication, it is open to him to seek redressal of his grievances. In this regard, the Petitioner is granted three weeks time from the date of receipt of copy of this order to file necessary Petition before the third Respondent. In such an event of the Petition being filed by the Petitioner, the third Respondent, on receipt of the same, without any delay, whatsoever, or any further loss of time, is directed to assign number to the said Petition and after providing necessary particulars to the concerned Respondents, to dispose of the same by passing a speaking reasoned order on merits, of course, both in qualitative and quantitative terms, by adverting to the averments/points raised by the Petitioner. It is open to the Petitioner to raise all Factual and Legal pleas before the third Respondent and also to produce necessary documents to support his claim that the concerned persons are ineligible to claim assignment of lands. It cannot be gainsaid that the third Respondent shall pass a detailed order in the subject matter in issue in a fair, just, impartial and dispassionate manner and in any event, the said order is to be passed, within a period of twelve weeks thereafter.

12. With the aforesaid observation(s)/direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai.
 2. The District Collector,
Sivagangai District,
Sivagangai.
- <https://hcservicecentre.org/revinsservice/> Divisional Officer,
Devakottai,
Sivagangai District.



4. The Tahsildhar,
Karaikudi Taluk,
Sivagangai District.

+1cc TO The Special Government Pleader in SR No. 90706

WEB COPY

SML

AE/JC/SAR1/13.12.2017/5P/6C

Order made in
W.P. (MD) No. 21919 of 2017
Dated: 29.11.2017