

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.33327 of 2018

and

WMP No.793 of 2019

R.Senthil Kumar

...Petitioner

vs.

1. The District Collector,
Thiruppur District.

2. The District Revenue Officer,
District Collectorate Office,
Thiruppur.

3. The Sub Collector / Revenue Divisional Officer,
Office of Sub Collector,
Dharapuram, Thiruppur District.

4. The Thasildhar,
Kangeyam, Thiruppur District.

...Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the 1st respondent to take appropriate action on the proceedings of the 2nd respondent dated 30.05.2018 in Na.Ka.No.6019/2017/12 and consequently direct the 1st respondent to take necessary action against the revenue officials who had illegally transferred patta and other revenue entries illegally by considering the representation of the petition dated 03.04.2017.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.Akhil Akbarali (for R1 to R4)
Government Advocate

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Petitioner has sought for a writ of mandamus, directing the 1st respondent to take appropriate action on the proceedings of the 2nd respondent dated 30.05.2018 in Na.Ka.No.6019/2017/12 and consequently to direct the 1st respondent to take necessary action against the revenue officials who had illegally transferred patta and other revenue entries illegally by considering the representation of the petition dated 03.04.2017.

2. Averments in paragraph No.3 of the supporting affidavit are as follows:

"3. I humbly submit that in the above case, the most of the beneficiaries who were acquired the said properties through illegally sold the property in favour of some third parties within the limitation period as fixed in the assignment deed and thereby flouted the mandatory conditions as prescribed under the said act. Further, the revenue authorities including the respondents 3 and 4 changed the patta in favour of the purchasers who were purchased the assignment property from the original assignee without showing any reference in their patta proceedings. Nearly 35 beneficiaries out of 51 members who were sold the assigned lands to an extent of 95 acres were sold to the third parties by violating the conditions as prescribed in the said act., i.e., within the period of limitation as prescribed in the said assignment."

3. Averments in supporting affidavit, do not contend details as to which condition of assignment has been violated and how the subsequent acquisition / sale is bad. Petitioner has also not chosen to implead the 35 beneficiaries, who according to him, have sold 95 acres of land to third parties, by violating the conditions of assignment that no sale has to be effected within a period of 20 years. Dates of assignment and dates of the alleged sale deeds have not been given in the affidavit. Writ petition can be dismissed on the grounds of bereft of details, which is sine qua non, for a Public Interest Litigation.

4. However on 02.01.2019, when the matter came up for hearing, a Hon'ble Division Bench of this Court has ordered as hereunder and directed the Registry to post the matter on 08.01.2019.

"After some arguments, the learned counsel for the petitioner undertakes to file an affidavit for impleadment, to implead the parties against whom allegations are levelled and proceedings are taken to cancel the patta.

Post on 08.01.2019."

5. Pursuant to the above order, the petitioner has proposed to implead one Mr.Dhakshnamoorthy, Thasildhar (Social Welfare), Dharapuram, Thiruppur District, as respondent whereas, he has not impleaded the assignees / beneficiaries against whom allegations are made in paragraph No.3 of the supporting affidavit.

6. When the above was pointed out, Mr.R.Nalliyappan, learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to institute afresh containing all the averments with supporting documents. He has also made an endorsement to that effect.

7. Placing on record the above, instant writ petition is dismissed as withdrawn. Liberty is granted. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

ars

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Thiruppur District.

2. The District Revenue Officer,
District Collectorate Office,
Thiruppur.

3. The Sub Collector / Revenue Divisional Officer,
Office of Sub Collector,
Dharapuram, Thiruppur District.

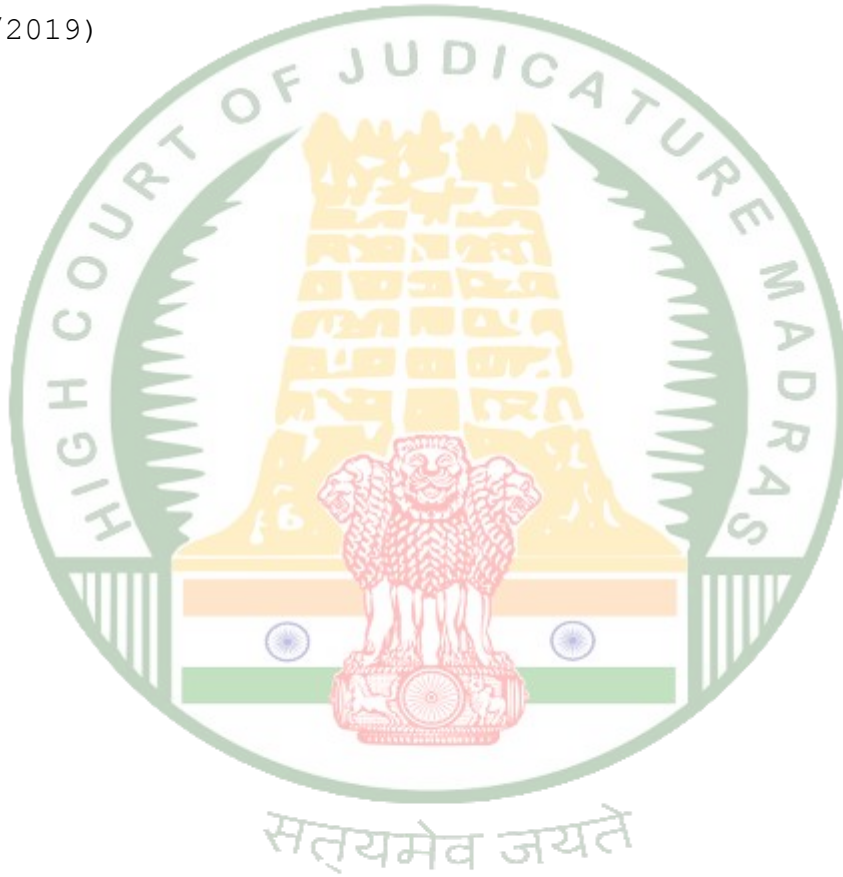
4. The Thasildhar,
Kangeyam, Thiruppur District.

+1cc to Mr.P.Nalliyappan, Advocate, S.R.No.10848

+1cc to the Government Pleader, S.R.No.11324

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Kak (20/03/2019)



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