



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.702 of 2020

Kannammal

.. Petitioner

Vs.

- 1.The District Collector,
Tiruchirappalli District.
- 2.The District Revenue Officer,
Tiruchirappalli District.
- 3.The Revenue Divisional Officer,
Tiruchirappalli District.
- 4.The Tahsildar,
Thiruverambur Taluk,
Tiruchirappalli District.

5.K.Murugan

.. Respondents

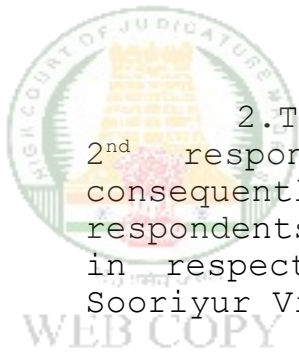
Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the proceedings of the 2nd respondent in Na.Ka.Aa6/20286/2017, dated 10.12.2019 and quash the same and consequently direct the 2nd respondent and other official respondents to restore the 10(A) entries in the name of the petitioner in respect of land admeasuring hectares 1.16.0 ares comprised in survey No.640/1 situated at Sooriyur Village, Thiruvarambur Taluk, Tiruchirappalli District in so far as petitioner is concerned.

For Petitioner : M/s.J.Maria Roseline

For Respondents : Mr.A.Thiyagarajan
Government Advocate

ORDER

Mr.A.Thiyagarajan, learned Government Advocate takes notice for respondents. By consent of both parties, this writ petition is taken up for disposal at the admission stage itself.



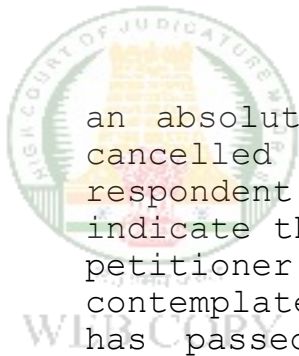
2.This writ petition is filed to quash the proceedings of the 2nd respondent in Na.Ka.Aa6/20286/2017, dated 10.12.2019 and consequently direct the first respondent and other official respondents to restore the revenue records in the name of petitioner in respect of land measuring an extent of 1.16.0 hectares in Sooriyur Village, Thiruvarambur Taluk, Tiruchirappalli District.

3.The petitioner states that an extent of 1.16.0 ares comprised in S.No.640/1 in Sooriyur Village, Thiruvarambur Taluk, Tiruchirappalli District, was assigned to the petitioner by proceedings, dated 22.12.1981. The petitioner states that she is in possession of the property right from the date of assignment and that she is doing cultivation along with their family members by raising several crops like maize, ground-nut, onions, kolveraghu, thatapair, etc., The petitioner noticed that her name did not appear in the revenue records after some time and that therefore, she submitted a representation to the respondents requesting her name to be included in revenue records. Based on the assignment in favour of the petitioner in the year 1981, the fourth respondent recommended for issuance of patta to the petitioner by his report, dated 09.10.2017. It is stated that the third respondent conducted a field inspection on 14.12.2017. On the basis of report submitted by the respondents 2 to 4, the first respondent by proceedings, dated 31.05.2018 ordered for issuance of patta to the petitioner with the direction to carry out mutation of revenue entries in favour of the petitioner and to issue separate patta to the petitioner in respect of lands measuring an extent of 1.16.0 ares. The further direction was also issued to reclassify the land as ryotwari punjai in respect of Arasu Poramboke as per the order of assignment was taken note of.

4.The petitioner states that pursuant to the proceedings of the first respondent, dated 31.05.2018, the revenue records were also modified so as to include the petitioner's name as the pattadar as per the direction of first respondent. Later, on the basis of representation submitted by one Murugan, who is also impleaded as 5th respondent, the first respondent has passed the impugned order cancelling earlier proceedings of the District Collector quite contrary to the earlier order passed by the first respondent.

5.The grievance of the petitioner is that the order of assignment is not liable to be cancelled for violation of any condition as per the order of assignment, dated 22.12.1981 and it is not valid since the petitioner obtained assignment not on the ground that she is a landless poor. Consequently, the petitioner contend that the assignment cannot be cancelled without issuing show cause notice to the petitioner and without hearing her. This court is convinced that the impugned order is in violation of principles of natural justice. Before passing the order, the first respondent has not issued any show cause notice or notice of enquiry. An order of

<https://hccs.courts.madras.gov.in/portal/>



an absolute title to the property. Though the assignment can be cancelled for valid grounds, the violation pointed out by the first respondent is not sustainable as the order of assignment does not indicate that the petitioner obtained assignment by showing that the petitioner is a landless poor. The revenue standing orders contemplates assignment under several circumstances. The government has passed several executive orders. Even a person who is in possession and enjoyment of property by cultivation can be chosen for assignment of land, if his holding is not beyond the ceiling limit. In such circumstances, this court is unable to sustain the order passed by the first respondent.

6.Hence, this writ petition is allowed and the impugned order of first respondent, dated 10.12.2019 is set aside. However, it is open to the first respondent or the competent revenue official to initiate fresh action if it is permissible after following the procedure particularly after issuing a show cause notice and giving sufficient opportunity to the petitioner.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM
To

- 1.The District Collector,
Tiruchirappalli District.
- 2.The District Revenue Officer,
Tiruchirappalli District.
- 3.The Revenue Divisional Officer,
Tiruchirappalli District.
- 4.The Tahsildar,
Thiruverambur Taluk,
Tiruchirappalli District.

+1 CC to M/s.J.MARIA ROSELINE, Advocate (SR-1286[F]dated
10/01/2020)

+1 CC to SPL.GP (SR-1934[F] dated 20/01/2020)

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