



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.26565 OF 2012

AND

M.P.NOS.1,2 OF 2012 AND 2 OF 2015

AND

W.M.P.NO.4419 OF 2018

Kalaiarasi

... Petitioner

.Vs.

1. The Secretary to Government,  
Appellate Authority,  
Revenue Department,  
Fort. St. George,  
Chennai - 600 009.
2. The Principal Secretary and Commissioner  
of Land Administration,  
Chepauk, Chennai-600 005.
3. The District Revenue Officer (General)  
Villupuram District,  
Villupuram.
4. The Revenue Divisional Officer,  
Kallakurichi,  
Villupuram District.
5. The Tahsildar,  
Sanakarapuram Taluk,  
Villupuram District.
6. The Alathur Village Panchayat,  
Rep. By its President M. Kannan,  
Kallakurichi Panchayat Union,  
Villupuram District.  
(R6 is impleaded as per Order  
dated 25.11.2015 in M.P.No.1 of 2015  
in W.P.No.26565 of 2012)

... Respondents



PRAYER:-

Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the records of 1st Respondent dated 09.07.2012, letter No.9521/Nimu 3(2) 2012 - 02 confirming the orders of the 2nd Respondent dated 21.12.2011, bearing No.G1/4264/6 and proceedings of 3rd Respondent dated 25.07.2005 made in his proceedings Na.ka.Aa 8/55910/2004 and quash the same.

For Petitioner : Mr.R.Thirugnanam  
For S.Umapathy

For Respondents : Mr.M.R.Gokul Krishnan,  
1 to 5 Government Advocate

For Respondent 6 : Mr.T.Arun Kumar

#### O R D E R

This writ petition is filed to issue a Writ of Certiorari calling for the records of 1st Respondent dated 09.07.2012, letter No.9521/Nimu 3(2) 2012 - 02 confirming the orders of the 2nd Respondent dated 21.12.2011, bearing No.G1/4264/6 and proceedings of 3rd Respondent dated 25.07.2005 made in his proceedings Na.ka.Aa 8/55910/2004 and quash the same.

2. The petitioner was assigned with the land comprised in Survey No.130/3 admeasuring 0.40.5 ares by assignment dated 25.10.1999. Thereafter, she was also issued patta in patta No.2051 dated 09.03.2000. Thereafter, the third respondent on receipt of the report from 4th respondent, suo motu cancelled the assignment granted in favour of the petitioner on the ground that the petitioner is not residing in the assigned land and she is residing in some other village. That apart, her father possessed adjacent land on his own admeasuring 6 acres. It was suppressed and applied for assignment of the land and the subject property was assigned in favour of the petitioner.

3. Aggrieved by the same, the petitioner filed an appeal before the second respondent and raised specific ground that she was never given any notice and without any opportunity given to the petitioner or inquiry, the impugned order was passed. However, the second respondent confirmed the order passed by the third respondent and on appeal the first respondent also confirmed the same.

4. The learned counsel for the petitioner would submit that the Revenue Officials namely the 4th and 5th respondents herein



never stated that the petitioner is not cultivated the assigned land and the report shows that she is not residing in the subject land and she is residing in some other village. That apart, at the time of assignment, the land owned by her father was already sold and as such, the petitioner was never given any opportunity of hearing and she was not served with any notice before passing impugned order.

5. It is also revealed from the impugned orders that the petitioner failed to produce any record to show that she is cultivating the subject land at present. Therefore, it is a clear violation of principles of natural justice and the impugned orders passed by the 1 to 3 respondents cannot be sustained.

6. Therefore, the order of the 1st Respondent dated 09.07.2012, in letter No.9521/Nimu 3(2) 2012 - 02 confirming the orders of the 2nd Respondent dated 21.12.2011, bearing No.G1/4264/6 and proceedings of 3rd Respondent dated 25.07.2005 made in Na.ka.Aa 8/55910/2004 is set aside. The matter is remitted back to the third respondent for fresh inquiry. The third respondent is directed to issue fresh notice to the petitioner and after giving opportunity of hearing with documents, if any, conduct inquiry and pass orders on merits in accordance with law within a period of four months thereafter.

7. Accordingly, this writ petition is allowed. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rna/mka

To

1. The Secretary to Government,  
Appellate Authority, Revenue Department,  
Fort. St. George,  
Chennai - 600 009.
2. The Principal Secretary and Commissioner  
of Land Administration,  
Chepauk,  
Chennai - 600 005.



3. The District Revenue Officer (General),  
Villupuram District,  
Villupuram.

4. The Revenue Divisional Officer,  
Kallakurichi,  
Villupuram District.

5. The Tahsildar,  
Sanakarapuram Taluk,  
Villupuram District.

6. The President M. Kannan,  
The Alathur Village panchayat,  
Kallakurichi Panchayat Union,  
Villupuram District.

+1cc to the Government Pleader, S.R.No.43642

W.P.NO.26565 OF 2012 AND  
M.P.NOS.1,2 OF 2012 AND 2 OF 2015  
AND W.M.P. NO.4419 OF 2018

NR(CO)  
PBS/23/09/2021