



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.31099 OF 2013
AND M.P.NO.1 OF 2013

S.Usharani

... Petitioner

-Vs-

1. The District Collector,
Manjakuppam,
Cuddalore District,
Cuddalore.
2. The District Revenue Officer,
Manjakuppam,
Cuddalore District,
Cuddalore.
3. The Revenue Divisional Officer,
Cuddalore Road,
Viruthachalam.
4. The Revenue Tahsildar,
Cuddalore Road,
Viruthachalam.

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order dated 05.11.2013 bearing No.N.K.V3-13497/2013 passed by the first respondent and quash the same.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.Richardson Wilson
Government Advocate.

ORDER

The Writ Petition has been filed to call for the records connected with the impugned order dated 05.11.2013



bearing No.N.K.V3-13497/2013 passed by the first respondent and quash the same.

2. The case of the petitioner is that she is a physically challenged lady and she has made application on 27.08.2012, for assignment of land comprised in survey No.58/17 measuring 0.15.5 hectare. The said land is classified as Tharisu land. In pursuant to that, the authorities viz., the third and fourth respondents conducted inspection with regard to the possession and enjoyment of the property and thereafter assigned the said land in favour of the petitioner on payment of consideration of Rs.49,400/- by the proceedings dated 25.06.2013. Thereafter, some of the villagers with the political support intervened in the possession and enjoyment of the property which was assigned to her with malafied intention. Therefore, the petitioner was constrained to file suit as against the private persons for declaration and injunction. While being so, the private persons in the suit, submitted representation to cancel the assignment in favour of the petitioner, to the second respondent herein. On receipt of the same, the second respondent issued notice to the petitioner and conducted enquiry. After completion of enquiry, the second respondent confirmed the said assignment in favour of the petitioner. Thereafter, the first respondent by the impugned order dated 05.11.2013, canceled the above said assignment without any notice and without conducting any enquiry and also without affording any opportunity. Therefore, the petitioner filed this Writ Petition with the above said prayers.

3. Heard Mr.L.Chandrakumar, learned counsel appearing for the petitioner, Mr.Richardson Wilson, learned Government Advocate appearing for the respondents.

4. On perusal of the impugned order dated 05.11.2013, passed by the first respondent revealed that, no enquiry was conducted and no notice was issued to the petitioner before passing the order. As stated supra, the assignment order passed in favour of the petitioner was confirmed by the second respondent. When it being so, the first respondent without giving any opportunity of hearing, mechanically cancelled the assignment order issued in favour of the petitioner. Therefore, the impugned order cannot be sustained and it is liable to be set aside. If at all any appeal filed as against the order passed by the second respondent, the first respondent is directed to pass orders on merits and in accordance with law, after issuance of notice to the petitioner and after giving opportunity of hearing.



5. In the result, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rts

To

1. The District Collector,
Manjakuppam,
Cuddalore District,
Cuddalore.
2. The District Revenue Officer,
Manjakuppam,
Cuddalore District,
Cuddalore.
3. The Revenue Divisional Officer,
Cuddalore Road,
Viruthachalam.
4. The Revenue Tahsildar,
Cuddalore Road,
Viruthachalam.

+1cc to Mr.L.Chandra Kumar, Advocate, S.R.No.40806
+1cc to the Government Pleader, S.R.No.40718

W.P.No.31099 of 2013
and M.P.No.1 of 2013

KV(CO)
PM/20/09/2021