



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.20269 of 2021

Vanitha

... Petitioner

-Vs-

1. The District Collector.
Krishnagiri.
Krishnagiri District

2. The District Revenue Officer,
Krishnagiri.
Krishnagiri District.

3.The Tahsildar,
Taluk Office,
Uthangarai.
Krishnagiri District.

4. Mrs. Indumathi

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the Petitioner's representation dated 18.02.2012 filed against the proceedings of 3rd respondent cancelling the assignment given to the petitioner in Na.Ka.77/2011/G dated 25.04.2011 with regard to his land comprised in Survey No.30/7 measuring an extent of 0.38.50 Hectares of Onnakarai Village, Uthangarai Taluk, Krishnagiri District within stipulated time as fixed by this Hon'ble Court and pass orders accordingly.

For Petitioner :: Mr. K. Thiruvengadam

For Respondents 1 to 3 :: Mr. Yogesh Kannadasan
(Government Advocate)

For Respondent-4 :: No Appearance

O R D E R

The relief sought for in this writ petition is for a direction to the respondents 1 to 4 to consider the Petitioner's representation dated 18.02.2012 filed against the proceedings of



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the 3rd respondent cancelling the assignment given to the petitioner in Na.Ka.77/2011/G dated 25.04.2011 with regard to his land comprised in Survey No.30/7 measuring an extent of 0.38.50 Hectares of Onnakarai Village, Uthangarai Taluk, Krishnagiri District within stipulated time as fixed by this Hon'ble Court and pass orders accordingly.

2. The learned counsel for the petitioner would submit that based on the request of the petitioner, 4th respondent has issued assignment of the land in Survey No.30/7 an extent of 0.38.50 Hectares of Onnakarai Village, Uthangarai Taluk, Krishnagiri District, in proceeding No.A.Ko.No.55-59/1414(B3) in favour of the petitioner. While so, the 3rd respondent without any notice to the petitioner or any enquiry, cancelled the Patta issued in favour of the petitioner in proceeding No.Na.Ka.No.77/2011/G dated 25.04.2011. Being aggrieved, the petitioner has preferred an Appeal dated 18.07.2012 before the respondents 1 and 2 against the cancellation of the Patta. In this regard, the 1st respondent has directed the 4th respondent to take appropriate action on the appeal filed by the petitioner. However, there is no action taken nor any order passed on the appeal so far. Hence, the petitioner is left with no other alternative remedy except to approach this Court by invoking its jurisdiction under Article 226 of Constitution of India seeking for direction to the respondents as prayed for in this Writ petition.

3. The learned Government Advocate for the respondents would submit that the petitioner was already assigned the said land and issued Patta by the 4th respondent since the petitioner is cultivating the said land and is in possession and enjoyment of the same. However, as the 3rd respondent has cancelled the Patta issued in her name, the appeal has been filed against the cancellation of Patta. Under such circumstances, the respondents may be directed to pass appropriate orders on the appeal dated 23.03.2018 filed by the petitioner herein.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3 as well as perused the material available on records.

5. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, this Court without expressing any opinion with regard to the merits of the case, directs the respondents concerned to pass appropriate orders on the appeal dated 18.07.2012 filed by the petitioner within a period of four months from the date of receipt of copy of this order after affording sufficient opportunity to the petitioner herein.



6. With the aforesaid directions, the Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The District Collector.
Krishnagiri.
Krishnagiri District

2. The District Revenue Officer,
Krishnagiri.
Krishnagiri District.

3.The Tahsildar,
Taluk Office,
Uthangarai.
Krishnagiri District.

+1cc to the Government Pleader, S.R.No.49510

W.P. No.20269 of 2021

SPD(CO)
CT 08/12/2021