



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.11.2021
CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 23683 of 2021

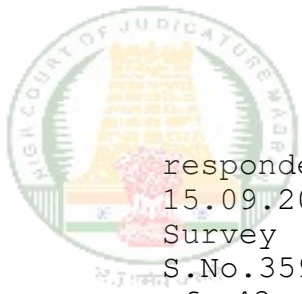
M.Tharabai

... Petitioner

Versus

1. The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
St.George Fort,
Secretariat, Chennai - 9.
 2. The Commissioner of Land Administrative Department,
St. George Fort,
Secretariat, Chennai - 9.
 3. The District Collector,
Thiruppathur District,
Thiruppathur.
 4. The District Revenue Officer,
Thiruppathur District,
Thiruppathur.
 5. The Revenue Divisional Officer,
Vaniyambadi Division,
Vaniyambadi ,
Thiruppathur District.
 6. The Tahsildar,
Ambur Taluk,
Thiruppathur District.
 7. The Block Development Officer,
Madhanur Block,
Madhanur ,
Thiruppathur District.
 8. The Assistant Engineer,
Tamil Nadu Electricity Board,
Kailasagiri,
Thiruppathur District.
- ... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying Writ of Mandamus directing the respondents 1 to 4 to consider the revision petition dated 04.10.2021 filed by the petitioner against the order of the 5th



respondent vide proceedings in Na.Ka.A2/1649/2020 dated 15.09.2021 cancelled the patta granted to the petitioner in Survey No.359/2 measuring to an extent of 6.5 Ares and in S.No.359/3 measuring to an extent of 11.0 Ares. Total extent of 43 Cents situated at Kailasagiri Village, Ambur Taluk, Thirupathur District (previously Vellore District).

For Petitioner : Mr.M.K.Vijayaragavan
For RR 1 to 7 : Mr.V.Veluchamy
Government Advocate.

ORDER

This writ petition has been filed for issuance of direction to the respondents 1 to 4 to consider the revision petition dated 04.10.2021 filed by the petitioner against the order of the 5th respondent vide proceedings in Na.Ka.A2/1649/2020, dated 15.09.2021 cancelled the patta granted to the petitioner in Survey No.359/2 measuring to an extent of 6.5 ares and S.No.359/3 measuring to an extent of 11.0 Ares, measuring total extent of 43 Cents situated at Kailasagiri Village, Ambur Taluk, Thirupathur District (previously Vellore District).

2. The case of the petitioner is that the Government of Tamil Nadu has introduced scheme "Landless Agricultural Family Land Assignment Special Scheme 2006" to provide 2 acres land to the poor and down trodden agricultural people and passed the G.O.Ms.No.396, Revenue (LD) 3(2) Department, dated 23.06.2006. As per the order No.183/1416 dated 15.12.2006 with some conditions in the aforesaid scheme. According to the petitioner, as per the allotment order the beneficiary shall start cultivation within a period of one year and the petitioner had complied with the above said condition by planting some coconut trees in the land. As per the condition No.9 of the said scheme, if the beneficiary used the land for any other purpose except for agriculture, the Government is entitled to impose the tax for the assigned land. However, the petitioner has been paid necessary taxes for the said land which is classified as Punjai (Tharisu Nilam) without any default. The said land being Punjai (Tharisu Nilam), the beneficiary shall cultivate only one season in a year i.e., during the rainy season only. While so, the petitioner constructed a small community hall/marriage hall in the said assigned land measuring to an extent of 10 Cents after getting approval from the Panchayat/7th respondent herein, dated 16.06.2011 vide Resolution No.187, since there is no other marriage hall available in that area to perform the marriage and the remaining 34 Cents is used for agricultural purpose. It is further submitted that there is a famous Lord Murugan temple namely "Kailasanathar" near by the assigned



land. Moreover, in and around the said temple, the people by using this marriage hall for free of cost to perform their rituals and she is collecting the minimum fees for the purpose of maintenance only. Furthermore, one Mr. Pushparaj, made a false complaint against the petitioner before the 5th respondent/RDO regarding the community hall built in the assigned land. Pursuant to the false complaint, the Sub-Collector, Thirupathur, cancelled the patta issued in favour of the petitioner vide proceedings in Na.Ka.A3/3278/2013, dated 10.07.2015 without conducting property enquiry. Aggrieved by the aforesaid impugned order, the petitioner filed a writ petition in W.P.No.23502 of 2014 before this Court and the same was allowed on 12.10.2020 by setting aside the impugned order and directed the Sub-Collector, Thirupathur to conduct a fresh enquiry by giving an opportunity to both the parties concerned within a period of twelve weeks and until fresh order is passed, the status quo as on that day shall be maintained by the respective parties.

3. It is the further case of the petitioner, based on the above said order, the 5th respondent issued a letter vide proceedings in Na.Ka.A2/1649/2020, dated 27.07.2021 calling upon the petitioner to attend the enquiry, which was scheduled on 28.07.2021. Since the petitioner was not able to attend the enquiry due to health issues, his counsel appeared before the concerned authority and requested four weeks time for producing the documents and written submissions and the same was again scheduled to 10.08.2021. Due to the prevailing COVID-19 restrictions, the petitioner is being 60 year old, was not able to attend the enquiry as on scheduled date and appeared through his counsel, who has made some oral submissions and filed certain available documents to prove the approval for building the community hall, but the same was not considered by the Authorities, hence, the fifth respondent passed an order to cancel the patta vide proceedings in Na.Ka.A2/1649/2020, dated 15.09.2021 without giving any opportunity to the petitioner stating that the petitioner's husband namely Mohanavel is having 4.20 Acre land. As per the Revenue Standing Order Section 15(3) given to the landless people i.e., "Landless people means not having more than 5 acre Punjai and not having 2 ½ Acre of land Nanjai" and the petitioner's husband is only owning 1.92 Acre land alone, therefore, the petitioner is fully eligible for the assignment of land. Aggrieved by the said order, the petitioner filed a writ petition in W.P.No.20334 of 2021 before this Court and the same was dismissed with liberty to approach the Competent Authorities by way of revision under the Act. Subsequently, the petitioner preferred a Revision Petition on 04.10.2021 before the respondents 1 to 4 u/s 13 of Patta Pass Book Act, 1983 and the same was received by the respondents, but, till date, no action has been taken by the respondents. Further, the 5th respondent passed an order to cancel the patta and take immediate steps to disconnect the water and electricity connection, by which, the petitioner will be put to



irreparable loss and hardship. Hence, the petitioner has come forward with the present writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents 1 to 4 to consider the petitioner's revision petition dated 04.10.2021 and dispose of the same within a stipulated time that may be framed by this Court.

5. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents 1 to 4 to consider the petitioner's revision petition dated 04.10.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and necessary parties within a period of sixteen weeks from the date of receipt of a copy of this order. Consequently, connected WMP.Nos.24928 and 24930 of 2021 are also closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gba

To

1. The Secretary,
Government of Tamil Nadu,
Revenue Department, St.George Fort, Secretariat, Chennai
- 9.

2. The Commissioner of Land Administrative Department,
Revenue Department, Secretariat, Chennai - 9.

3. The District Collector,
Thiruppathur District, Thiruppathur.

4. The District Revenue Officer,
Thiruppathur District, Thiruppathur.

5. The Revenue Divisional Officer,
Vaniyambadi Division, Vaniyambadi, Thiruppathur District.

6. The Tahsildar, Ambur Taluk, Thiruppathur District.

7. The Block Development Officer,
Madhanur Block, Madhanur ,
Thiruppathur District.



8. The Assistant Engineer,
Tamil Nadu Electricity Board, Kailasagiri,
Thiruppathur District.

W.P.No.23683 of 2021

SVI (CO)

A.SK (03.12.2021)