



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .Nos.10352 & 10354 of 2021

and

W.M.P (MD) .Nos.8020, 8021, 8025, 8026 and 8027 of 2021

1.Jancy Rani ...Petitioner in W.P.(MD).No.10352 of 2021

2.Thavasilingam @ Thavasilingaraj
...Petitioner in W.P.(MD).No.10354 of 2021

Vs.

1.The Principal Secretary/
Commissioner of Land Administration (FAC),
Chepauk, Chennai 600 005.

2.The District Revenue Officer,
Tiruchirappalli Collector's Office,
Tiruchirappalli.

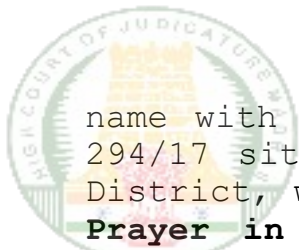
3.The Revenue Divisional Officer,
Tiruchirappalli Collector's Office,
Tiruchirappalli.

4.The Tahsildar,
Thiruverumbur Taluk,
Tiruchirappalli District.

5.The Assistant Engineer,
TANGEDCO, Navalpattu,
Trichy 26.

6.S.Ramesh Kumar ... Respondents in both Petitions.

Prayer in W.P(MD).No.10352 of 2021: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order passed by the 1st respondent vide his proceedings in Proc.No.G1/21406/2013, dated 04.05.2021 confirming the order passed by the 2nd respondent in As/40742/2012, dated 22.06.2013, confirming the order passed by the 3rd respondent in Na.Ka.A1/6968/2009, dated 12.12.2012 and quash the same as illegal and consequently, directing the 1st respondent to restore the Patta stands in the petitioner's



name with respect of Survey Nos.294/15, 294/16, 294/14, 294/18 and 294/17 situated at Navalpattu Village, Thiruverumbur Taluk, Trichy District, within the time frame as fixed by this Court.

Prayer in W.P(MD).No.10354 of 2021: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order passed by the 1st respondent vide his proceedings in Proc.No.G1/21406/2013, dated 04.05.2021 confirming the order passed by the 2nd respondent in As/40742/2012, dated 22.06.2013, confirming the order passed by the 3rd respondent in Na.Ka.A1/6968/2009, dated 12.12.2012 and quash the same as illegal and consequently, directing the 1st respondent to restore the Patta stands in the petitioner's name with respect of Survey Nos.294/18, 294/12, 294/15, 294/11 and 294/13 situated at Navalpattu Village, Thiruverumbur Taluk, Trichy District, within the time frame as fixed by this Court.

For Petitioners	: Mr.I.Velpradeep
For R1 to R4	: Mr.M.Lingadurai Government Advocate
For R5	: Mr.S.M.S.Johny Basha Standing Counsel (In both cases)

COMMON ORDER

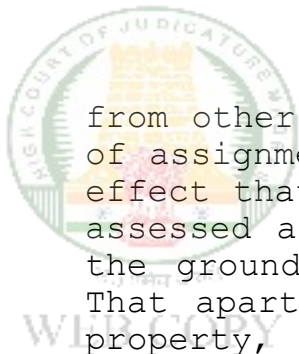
The issue involved in both the writ petitions are common and therefore, they are taken up together, heard and this final order is passed based on the consent given by either side.

2.The petitioners in both the writ petitions challenged the impugned order passed by the first respondent through proceedings, dated 04.05.2021, confirming the order passed by the second and third respondents and for a consequential direction to restore the patta in the name of the petitioners with respect to the subject properties.

3.Heard Mr.I.Velpradeep, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate, appearing for the respondents 1 to 4 and Mr.S.M.S.Johnny Basha, learned Standing Counsel appearing for the 5th respondent in both petitions.

4.This Court has carefully gone through the entire materials and carefully considered the submissions made on either side.

5.The petitioner has attempted to project the case as if the order of cancellation came to be passed only based on the claim made by the 6th respondent. However, on going through the records, it is found that the cancellation of the assignment patta has been carried out on the ground that there is a violation of the condition of assignment, wherein, the petitioners have purchased the properties



from other beneficiaries, within a period of 10 years from the date of assignment. In fact, the claim made by the 6th respondent to the effect that he is the owner of the property and that it was wrongly assessed as a 'tharisu', came to be rejected by the respondents on the ground that there are absolutely no merits for such a claim. That apart, the first respondent has also noted the fact that the property, for which the patta has been rejected has already been allotted in favour of Geology and Mining Department.

6.In the considered view of this Court, even as per the admitted case of the petitioners, the property was purchased from the other beneficiaries, within a period of 10 years, which is mandatory bar under the terms of assignment. Therefore, the natural consequences would be the cancellation of the assignment. The reasoning given by the respondents 1 to 3 do not suffer from any illegality or infirmity, warranting the interference of this Court.

7.In the result, both the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary/
Commissioner of Land Administration (FAC)
Chepauk, Chennai 600 005
- 2.The District Revenue Officer
Tiruchirappalli Collector's Office
Tiruchirappalli
- 3.The Revenue Divisional Officer
Tiruchirappalli Collector's Office
Tiruchirappalli



4.The Tahsildar
Thiruverumbur Taluk
Tiruchirappalli District

5.The Assistant Engineer
TANGEDCO, Navalpattu
Trichy 26

+1 CC to M/s.SPL GP (SR-19892[F] dated 22/06/2021)

W.P. (MD) .Nos.10352 & 10354 of 2021
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KB(28.06.2021) 4P 7C