



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) No.14425 of 2021

and

W.M.P. (MD) No.11362 of 2021

A.Chinthamani

... Petitioner

Vs.

- 1.The District Collector,
Collector's Officer,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Thirumayam Taluk,
Pudukkottai District.
- 3.The Thasildar,
Thirumayam Taluk,
Pudukkottai District.
- 4.The Village Administrative Officer,
K.Rayapuram Village,
Thirumayam Taluk,
Pudukkottai District.

5.M.Veemaiah

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from cancelling the Assignment Patta issued in petitioner's favour on 31.12.2007 in Na.Ka.No.12519/2007 in respect of the Punjai Tharisu land admeasuring 0.63.5 Hectors, comprised in the survey No.224-6 situated at K.Rayapuram Village, Thirumayam Taluk, Pudukkottai District abruptly except under due process of law.

For Petitioner : Mr.V.Nagendran

For Respondents : Mr.P.Subbaraj,

Counsel for State for R1 to R3

ORDER

The petitioner seeks to prevent the cancellation of the assignment patta issued in his favour on 31.12.2007.



2.The petitioner states that he was granted an assignment patta in respect of land admeasuring 0.63.5 hectares in Survey No.224/6, K.Rayapuram Village, Thirumayam Taluk, Pudukkottai District. According to the petitioner, the third and fourth respondents attempted to interfere with his peaceful possession and enjoyment of the property. Therefore, he filed O.S.No.39 of 2020 before the learned District Munsif, Thirumayam seeking a permanent injunction to restrain the said respondents from interfering with his possession. The petitioner claims that the order dated 02.03.2021 was issued by the Thasildar of Thirumayam after filing of the said suit. Thereafter, it is stated that the fifth respondent has attempted to interfere with the petitioner's possession. Consequently, the petitioner filed a suit in O.S.No.74 of 2021 before the learned District Munsif, Thirumayam seeking a permanent injunction. It is stated that an order of interim injunction was granted in such suit and that the suit is pending.

3.The petitioner apprehends that the first to third respondents would take steps to cancel the assignment patta at the behest of the fifth respondent herein. The petitioner alleges that the second respondent inspected his property on 28.07.2021. The present Writ Petition is filed in the said facts and circumstances.

4.Mr.P.Subbaraj, learned counsel for the State who appears on behalf of the respondents 1 to 3, points out that the order dated 02.03.2021 of the Thasildar, Thirumayam does not purport to mutate the revenue records as regards the 0.63.5 hectares in respect of which the petitioner has been granted an assignment patta. Consequently, he states that the petitioner's apprehension is misplaced. In any event, he states that the petitioner should approach the jurisdictional Revenue Divisional Officer in case he has any grievance.

5.The documents on record include the copy of the assignment patta dated 31.12.2007 in favour of the petitioner. This document indicates that the patta is in respect of 0.63.5 hectares in Survey No.224/6. As correctly pointed out by learned counsel for the State, the order dated 02.03.2021 of the Thasildar, Thirumayam does not make any mutation of the relevant revenue records as regards the extent assigned to the petitioner. Hence, the apprehension of the petitioner is not based on any communication from the official respondents herein. In these circumstances, a mandamus of the kind prayed for by the petitioner need not be issued. However, it is made clear that proceedings, if any, for cancellation of the assignment patta issued to the petitioner should not be initiated without providing notice and a reasonable opportunity to the petitioner. Needless to say, such proceedings should be taken strictly in accordance with law.

6.W.P.(MD).No.14425 of 2021 is disposed of with the above reasons without any order as to costs. Consequently,



connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /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 District Collector,
Collector's Officer,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
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Pudukkottai District.
- 3.The Thasildar,
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- 4.The Village Administrative Officer,
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Pudukkottai District.

+1 CC to M/s.V.NAGENDRAN, Advocate (SR-27412[F] dated 26/08/2021)

+1 CC to M/s.GP (SR-27403[F] dated 26/08/2021)

W.P(MD)No.14425 of 2021
25.08.2021

RD(2.09.2021) 3P 7C