



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)Nos.17672 to 17674, 2792 to 2797, 6999 to 7008, 10719, 4417, 4418, 4420, 4619 of 2015 and and M.P.Nos.1, 2 and 3 of 2015 and Cont.P. (MD) Nos.859 to 869/2015 and Sub.A. (MD) Nos.150 to 160 of 2015
(Through Video Conferencing)

M. Saraswathy W/o. Murugan,
I. Atha ppanpatti, Kuthilippai Village, Ottanchatram Taluk,
Dindigul District.

... Petitioner in WP(MD).17672 of 2015

T.Kaliammal, W/o.Thirumalaisamy, I.Athappanpatti, Kuthilippai
Village, Ottanchathiram Taluk, Dindigul District.

... Petitioner in WP(MD).17673 of 2015

K. Bharakath Nisha W/o. Kaja Mohideen, I. Athappanpatti,
Kuthilippai Village, Ottanchatiram Taluk, Dindigul District.

... Petitioner in WP(MD).17674 of 2015

Muthulakshmi, W/o. Subramani, Kuthilippai Village, Ottanchatiram
Taluk, Dindigul District

... Petitioner in WP(MD).2792 of 2015

Nallammal, W/o Muthusamy, I.Athappanpatti Pudur, Kuthilippai
Village, Chinnakkampatti, Ottanchathiram Taluk, Dindigul District

... Petitioner in WP(MD).2793 of 2015

Murugesan S/o.Ponnuchamy, Kuthilippati Village,Ottanchatiram
Taluk, Dindigul District.

... Petitioner in WP(MD).2794 of 2015

Selvaraj, S/o. Ponnuchamy, Kuthilippai Village, Ottanchatiram
Taluk, Dindigul District

... Petitioner in WP(MD).2795 of 2015

Palanichamy S/o Kuppana Gounder, Kuthilippai Village,
Ottanchatiram Taluk, Dindigul District

... Petitioner in WP(MD).2796 of 2015

Manoranjitham S/o.Periyasamy, Kuthilippai Village, Ottanchatiram
Taluk, Dindigul District.

... Petitioner in WP(MD).2797 of 2015



P.Selvarani W/o Palanichamy, I.Athappanpatti, Kuthilippai Village,
Ottanchatiram Taluk, Dindigul District
... Petitioner in WP(MD).6999 of 2015

S.Palanichamy S/o Sellappa Gounder, Kuthilippai Village,
Ottanchatiram Taluk, Dindigul District
... Petitioner in WP(MD).7000 of 2015

Palanichamy S/o Kuppana Gounder, Kuthilippai Village,
Ottanchatiram Taluk, Dindigul District
... Petitioner in WP(MD).7001 of 2015

Manoranjitham, W/o. Periyasamy, Kuchilippai Village,
Ottanchathiram Taluk, Dindigul District.
... Petitioner in WP(MD).7002 of 2015

N.Chellathal W/o. Nallasamy, I. Athappanpatti, Kuthilippai
Village, Ottanchatiram Taluk, Dindigul District.
... Petitioner in WP(MD).7003 of 2015

P.Chellathal, W/o Palanichamy, I.Athappanpatti, Kuthilippai
Village, Ottanchatiram Taluk, Dindigul District
... Petitioner in WP(MD).7004 of 2015

Nallammal, W/o. Muthusamy, I. Athappanpatti Pudur, Kuthilippai
Village, Chinnakkampatti, Ottanchathiram Taluk, Dindigul District
... Petitioner in WP(MD).7005 of 2015

Muthuklakshmi W/o. Subramani, Kuthilippai Village, Ottanchtiram
Taluk, Dindigul District.
... Petitioner in WP(MD).7006 of 2015

Murugesan, S/o Ponnuchamy Kuthilippai Village, Ottanchatiram
Taluk, Dindigul District
... Petitioner in WP(MD).7007 of 2015

P. Selvaraj S/o. Ponnuchamy, Kuthilippai Village, Ottanchatiram
Taluk, Dindigul District
... Petitioner in WP(MD).7008 of 2015

N.Murugesan, S/o Nachimuthu, Kuthilippai Villae, Ottanchatiram
Taluk, Dindigul District
... Petitioner in WP(MD).10719 of 2015

N.Chellathal W/o.Nallasamy, I.Athappanpatti, Kuthilipaai Village,
Ottanchatiram Taluk, Dindigul District
... Petitioner in WP(MD).4417 of 2015



P.Selvarani W/o. Palanichamy, I.Athappanpatti, Kuthilipaai Village, Ottanchatiram Taluk, Dindigul District.

... Petitioner in WP(MD).4418 of 2015

S.Palanichamy S/o.Sellappa Gounder, I.Athappanpatti, Kuthilipaai Village, Ottanchatiram Taluk, Dindigul District.

... Petitioner in WP(MD).4420 of 2015

M.Vijayalakshmi W/o.Muthusamy, I. Athappanpatti, Kuthiliappai Village, Ottanchaitram Taluk, Dindigul District.

... Petitioner in WP(MD).4619 of 2015

- Vs. -

1. The District Collector
Dindigul District. Dindigul.
2. The Revenue Divisional Officer, Palani,
Dindigul District.
3. The Tahsildar Ottanchatiram Taluk,
Dindigul District.
4. The President Kuthilippai Village Panchayat,
Chinnakkampatti, Ottanchatiram Taluk,
Dindigul District.
5. S.Geetha
The Revenue Divisional Officer,
Palani, Dindigul District.
6. R. Kumaresan The Tahsildar,
Ottachatiram Taluk, Dindigul District.

... Respondents in WP(MD).17672 to 17674 of 2015

1. The District Collector, Dindigul District, Dindigul
2. The Thasildar, Ottanchathiram Taluk, Dindigul District
3. The President, Kuthilippai Village Panchayat, Chinnakkampatti,
Ottanchatiram Taluk, Dindigul District

... Respondents in WP(MD).2792 to 2797 of 2015

1. The District Collector Dindigul District, Dindigul
2. The Revenue Divisional Officer, Palani, Dindigul District
3. The Tahsildar, Ottanchatiram Taluk, Dindigul District
4. The President, Kuthilippai Village Panchayat,
Chinnakkampatti, Ottanchatiram Taluk, Dindigul District
5. S.Geetha The Revenue Divisional Officer,
Palani, Dindigul District
6. R.Kumaresan, The Tahsildar, Ottachatiram Taluk,
Dindigul District

... Respondents in WP(MD).6999 to 7008 of 2015

1. The District Collector, Dindigul District, Dindigul
2. The Revenue Divisional Officer, Palani, Dindigul District
3. The Tahsildar, Ottanchathiram Taluk, Dindigul District



4. The President, Kuthilippai Village Panchayat,
Chinnakkampatti, Ottanchatiram Taluk, Dindigul District
5. S. Geetha, the Revenue Divisional Officer,
Palani, Dindigul District
6. R.Kumaresan, The Tahsildar, Ottanchathiram Taluk,
Dindigul District

... Respondents in WP(MD).10719 of 2015

1. The District Collector Dindigul District, Dindigul.
 2. The Tashildar Ottachatiram Taluk, Dindigul District
 3. The President Kuthilipaai Village Panchayat,
Chinnakkampatti, Ottanchatiram Taluk, Dindigul District
- ... Respondents in WP(MD).4417, 4418, 4420 and 4619 of 2015

Prayer in WP(MD).17672 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No. 4671/2014/A6 dated 28.11.2014 (Sl.No. 220) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 11662/14/E3 dated 26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan NO. 118 (10m * 12m) in S.No. 348/1B, Kuthiliappai Village, Ottanchatiram Taluk, Dindigul District

Prayer in WP(MD).17673 of 2015 :

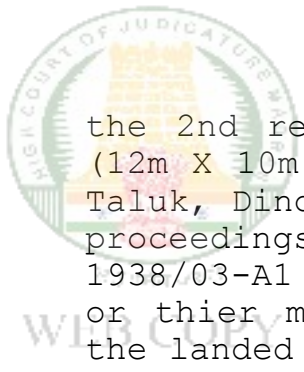
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.4671/2014/A6 dated 28.11.2014 (Sl. No.219) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No.11662/14/E3 dated 26.12.2014 and quash the same as illegal in respect of the land of the petitioner in plan No.117 (10m x 12m) in S. No.348/1B, Kuthiliappai Village, Ottanchathiram Taluk, Dindigul District .

Prayer in WP(MD).17674 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No. 4671/2014/A6 dated 28.11.2014 (Sl.No. 223) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 11662/14/E3 dated 26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan NO. 121 (10m x 12m) in S.No. 348/1B, Kuthiliappai Village, Ottanchatiram Taluk, Dindigul District

Prayer in WP(MD).2792 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, forbearing



the 2nd respondent from allotting a piece of land in Plan No. 16 (12m X 10m) in S.NO. 348/1B , Kuthiliappai Village, Ottanchathiram Taluk, Dindigul District which was allotted to the petitioner by the proceedings of the 2nd respondent in his proceedings in Na.ka.No. 1938/03-A1 dated 06.03.2003 and further forbearing the respondents or thier men or agents from the dispossessing the petitioner from the landed property allotted to her without following due process of law and pass such further or other orders.

Prayer in WP (MD) .2793 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, forbearing the 2nd respondent from allotting a piece of land in Plan No. 3 (12m X 10m) in S.NO. 348/1B , Kuthiliappai Village, Ottanchathiram Taluk, Dindigul District which was allotted to the petitioner by the proceedings of the 2nd respondent in his proceedings in Na.ka.No. 1938/03-A1 dated 06.03.2003 and further forbearing the respondents or thier men or agents from the dispossessing the petitioner from the landed property allotted to her without following due process of law and pass such further or other orders.

Prayer in WP (MD) .2794 of 2015 :

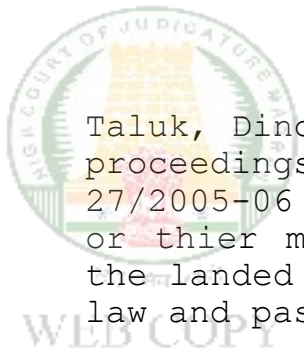
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, forbearing the 2nd respondent from allotting a piece of land in Plan No. 43(12m X 10m) in S.NO. 348/1B , Kuthiliappai Village, Ottanchathiram Taluk, Dindigul District which was allotted to the petitioner by the proceedings of the 2nd respondent in his proceedings in Na.ka.No. 1938/03-A1 dated 06.03.2003 and further forbearing the respondents or thier men or agents from the dispossessing the petitioner from the landed property allotted to her without following due process of law and pass such further or other orders.

Prayer in WP (MD) .2795 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, forbearing the 2nd respondent from allotting a piece of land in Plan No. 45 (12m X 10m) in S.NO. 348/1B , Kuthiliappai Village, Ottanchathiram Taluk, Dindigul District which was allotted to the petitioner by the proceedings of the 2nd respondent in his proceedings in Na.ka.No. 1938/03-A1 dated 06.03.2003 and further forbearing the respondents or thier men or agents from the dispossessing the petitioner from the landed property allotted to him without following due process of law and pass such further or other orders.

Prayer in WP (MD) .2796 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, forbearing the 2nd respondent from allotting a piece of land in Plan No.74 (12m X 10m) in S.NO. 348/1B , Kuthiliappai Village, Ottanchathiram



Taluk, Dindigul District which was allotted to the petitioner by the proceedings of the 2nd respondent in his proceedings in H.S NO. 27/2005-06 dated 27.01.2006 and further forbearing the respondents or thier men or agents from the dispossessing the petitioner from the landed property allotted to her without following due process of law and pass such further or other orders.

Prayer in WP(MD).2797 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, forbearing the 2nd respondent from allotting a piece of land in Plan No. 42(12m X 10m) in S.NO. 348/1B , Kuthiliappai Village, Ottanchathiram Taluk, Dindigul District which was allotted to the petitioner by the proceedings of the 2nd respondent in his proceedings in Na.ka.No. 1938/03-A1 dated 06.03.2003 and further forbearing the respondents or thier men or agents from the dispossessing the petitioner from the landed property allotted to her without following due process of law and pass such further or other orders.

Prayer in WP(MD).6999 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of certiorari calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.4671/2014/A6 dated 28.11.2014 (Sl.No.306) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No.11662/14/E3 dated 26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan No.69 (10m x 10m) in S.No.348/1B, Kuthiliappai Village, Ottanchatiram Taluk, Dindigul District which was allotted to the petitioner by the proceedings of the 3rd respondent in his proceedings in H.S.266/2005-06 dated 27.1.2006.

Prayer in WP(MD).7000 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No. 4671/2014/A6 dated 28.11.2014 (Sl.No. 305) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 11662/14/E3 dated 26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan NO.68 (10 m X 10 m) in s.NO. 348/1B, Kuthiliappai vilage, Ottanchatiram Taluk, Dindigul district which was allotted to the petitioner by the proceedings of the 3rd respondent in his proceedings in H.S No. 265 /2005-06 dated 27.01.2006 and pass such further or other orders.

Prayer in WP(MD).7001 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd



respondent in his proceedings Na.Ka.No. 4671/2014/A6 dated 28.11.2014 (Sl.No. 311) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 11662/14/E3 dated 26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan NO.74 (10 m X 10 m) in S.No. 348/1B, Kuthiliappai vilage, Ottanchatiram Taluk, Dindigul district which was allotted to the petitioner by the proceedings of the 3rd respondent in his proceedings in H.S No. 27/2005-06 dated 27.01.2006 and pass such further or other orders.

Prayer in WP (MD).7002 of 2015 :

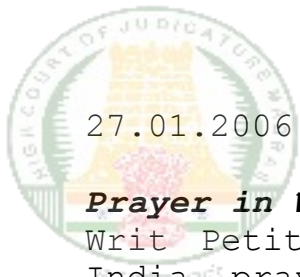
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No. 4671/2014/A6 dated 28.11.2014 (Sl.No. 458) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 11662/14/E3 dated 26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan NO. 42 (12 m X 10 m) in S.NO. 348/1B, Kuthiliappai Vilage, Ottanchatiram Taluk, Dindigul district which was allotted to the petitioner by the proceedings of the 3rd respondent in his proceedings in NA.Ka. No. 1938/03-A1 dated 06.03.2003.

Prayer in WP (MD).7003 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No. 4671/2014/A6 dated 28.11.2014 (Sl.No. 304) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 11662/14/E3 dated 26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan NO.67 (10 m X 10 m) in S.No.. 348/1B, Kuthiliappai vilage, Ottanchatiram Taluk, Dindigul district which was allotted to the petitioner by the proceedings of the 3rd respondent in his proceedings in H.S No. 264 /2005-06 dated 27.01.2006 and pass such further or other orders.

Prayer in WP (MD).7004 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No. 4671/2014/A6 dated 28.11.2014 (Sl.No. 302) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 11662/14/E3 dated 26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan NO.674 (10 m X 10 m) in S.NO. 348/1B, Kuthiliappai vilage, Ottanchatiram Taluk, Dindigul district which was allotted to the petitioner by the proceedings of the 3rd respondent in his proceedings in H.S No. 264/2005-06 dated



27.01.2006 and pass such further or other orders.

Prayer in WP (MD).7005 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No. 4671/2014/A6 dated 28.11.2014 (Sl.No. 445) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 11662/14/E3 dated 26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan NO. 3 (12 m X 10 m) in S.NO. 348/1B, Kuthiliappai Vilage, Ottanchatiram Taluk, Dindigul district which was allotted to the petitioner by the proceedings of the 3rd respondent in his proceedings in NA.Ka. No. 1938/03-A1 dated 06.03.2003.

Prayer in WP (MD).7006 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No. 4671/2014/A6 dated 28.11.2014 (Sl.No. 339) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 11662/14/E3 dated 26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan NO.6716 (12 m X 10 m) in S.NO. 348/1B, Kuthiliappai vilage, Ottanchatiram Taluk, Dindigul district which was allotted to the petitioner by the proceedings of the 3rd respondent in his proceedings in Na.Ka.NO.1938/03 A1 dated 06.03.2003 and pass such further or other orders.

Prayer in WP (MD).7007 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No. 4671/2014/A6 dated 28.11.2014 (Sl.No. 459) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 11662/14/E3 dated 26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan NO.43 (12 m X 10 m) in S.NO. 348/1B, Kuthiliappai vilage, Ottanchatiram Taluk, Dindigul district which was allotted to the petitioner by the proceedings of the 3rd respondent in his proceedings in Na.Ka No. 1938/03-A1 dated 06.03.2003 and pass such further or other orders.

Prayer in WP (MD).7008 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No. 4671/2014/A6 dated 28.11.2014 (Sl.No. 461) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 11662/14/E3 dated



26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan NO. 74 (12 m X 10 m) in S.NO. 348/1B, Kuthiliappai Vilage, Ottanchatiram Taluk, Dindigul district which was allotted to the petitioner by the proceedings of the 3rd respondent in his proceedings in NA.Ka. No. 1938/03-A1 dated 06.03.2003.

Prayer in WP (MD).10719 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No. 4671/2014/A6 dated 28.11.2014 (SL.NO. 446) and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 1166222/14/E3 dated 26.12.2014 and quash the same as illegal in respect of land of the petitioner in Plan NO. 12 (12m X 10m) in S.No. 348/1B Kuthiliappai Village, Ottanchathiram Taluk, Dindigul District which was allotted to the petitioner by the proceedings of the 3rd respondent in his proceedings in Na.Ka.NO. 1938/03-A1 dated 06.03.2003 and pass such further or other orders.

Prayer in WP (MD).4417 of 2015 :

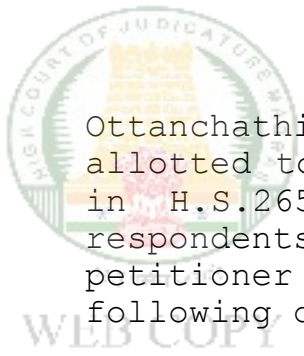
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the 2nd respondent from allotting a piece of land in Plan No.67 (10mx10m) in S.No.348/1B, I.Athappanapatti, Kuthiliappai Village, Ottanchathiram taluk, Dindigul District to any one which was allotted to the petitioner by the 2nd respondent in his proceedings in H.S.264/2005-06 dated 27.1.2006 and further forbearing the respondents or their men or agents from the dispossessing the petitioner from the landed property allotted to her without following due process of law.

Prayer in WP (MD).4418 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the 2nd respondent from allotting a piece of land in Plan No.69 (10mx10m) in S.No.348/1B, I.Athappanapatti, Kuthiliappai Village, Ottanchathiram Taluk, Dindigul District to any one which was allotted to the petitioner by the 2nd respondent in his proceedings in H.S.266/2005-06 dated 27.1.2006 and further forbearing the respondents or their men or agents from the dispossessing the petitioner from the landed property allotted to her without following due process of law.

Prayer in WP (MD).4420 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the 2nd respondent from allotting a piece of land in Plan No.68 (10mx10m) in S.No.348/1B, I.Athappanapatti, Kuthiliappai Village,



Ottanchathiram Taluk, Dindigul District to any one which was allotted to the petitioner by the 2nd respondent in his proceedings in H.S.265/2005-06 dated 27.1.2006 and further forbearing the respondents or their men or agents from the dispossessing the petitioner from the landed property allotted to her without following due process of law.

Prayer in WP(MD).4619 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the 2nd respondent from allotting a piece of land in Plan No.29 (10mx10m) in S.No.348/1B, I.Athappanapatti, Kuthiliappai Village, Ottanchathiram Taluk, Dindigul District to any one which was allotted to the petitioner by the 2nd respondent in his proceedings in Na.Ka.No.1938/03-A1 dated 06.03.2003 and further forbearing the respondents or their men or agents from the dispossessing the petitioner from the landed property allotted to her without following due process of law.

For Petitioners : Mr.B.Saravanan

For Respondents : Mr.R.Suresh Kumar
Government Advocate for R1 to R3
in WP(MD).17672 to 17674/15 &
for R1 & R2 in WP(MD).2792 to 2797/15

: Mr.T.R.Janarthanan for R3
in WP(MD).2792 to 2797/15

: Mr.S.Kumar for R4 in WP(MD).10719/15

A.Kaliammal, W/o.Arumugam, I.Athappanpatti, Kuthilippai Village, Ottanchatiram Tk, Dindigul District

... Petitioner in CONT P(MD).859 of 2015

P.Selvarani W/o. Palanichamy, I.Athappanpatti, Kuthilippai Village, Ottanchatiram Taluk, Dindigul District.

... Petitioner in CONT P(MD).860 of 2015

S.Palanichamy, S/o.Sellappa Gounder, I.Athappanpatti, Kuthulippai Village, Ottanchatiram Tk, Dindigul District.

... Petitioner in CONT P(MD).861 of 2015

Palanichamy, S/o.Kuppana Gounder, Kuthilippai Village, Ottanchatiram Taluk, Dindigul District.

... Petitioner in CONT P(MD).862 of 2015



P.Chellathal, W/o.Palanichamy, I.Athappanpatti,
Kuthilippai Village,
Ottanchatiram Tk, Dindigul District

... Petitioner in CONT P(MD).863 of 2015

Nallammal W/o. Muthusamy, I.Athappanpatti, Kuthilippai Village,
Ottanchatiram Taluk, Dindigul District.

... Petitioner in CONT P(MD).864 of 2015

Manoranjitham, S/o.Periyassamy, Kuthilippai Village, Ottanchatiram
Tk, Dindigul District.

... Petitioner in CONT P(MD).865 of 2015

Murugesan, S/o.Ponnuchamy, Kuthilippai Village, Ottanchatiram
Taluk, Dindigul District.

... Petitioner in CONT P(MD).866 of 2015

Muthulakshmi, W/o.Subramani, I.Athappanpatti,
Kuthilippai Village, Ottanchatiram Tk, Dindigul District

... Petitioner in CONT P(MD).867 of 2015

N.Chellathal W/o. Nallasamy, I.Athappanpatti, Kuthilippai Village,
Ottanchatiram Taluk, Dindigul District.

.. Petitioner in CONT P(MD).868 of 2015

P.Selvaraj S/o.Ponnuchamy, Kuthilippai Village, Ottanchatiram Tk,
Dindigul District.

... Petitioner in CONT P(MD).869 of 2015

- Vs. -

1. Hariharan, The District Collector,
Dindigul District, Dindigul.
2. Geetha, The Revenue Divisional Officer,
Palani, Dindigul District.
3. Kumaresan, The Tashildhar, Ottachatiram Tk,
Dindigul District.
4. Palanisamy, The President,
Kuthilippai Village Panchayat, Chinnakkampatti,
Ottanchatiram Tk, Dindigul District.

... Respondents in all Contempt Petitions

Prayer in CONT P(MD).859 of 2015 :

This Contempt Petition filed under Order 11 of the Contempt of Court Act, to punish the respondents for the deliberate and willful disobedience of the order passed by this Honble Court in MP(MD)NO. 2 of 2015 in WP(MD)NO.6998 of 2015 dated 28/04/2015.



Prayer in CONT P(MD).860 of 2015 :

This Contempt Petition filed under Order 11 of the Contempt of Court Act, to punish the respondents for the deliberate and willful disobedience of the order passed by this Honourable Court in MP. (MD).No.2/2015 in WP.(MD).No.6999/2015 dated 28.04.2015.

Prayer in CONT P(MD).861 of 2015 :

This Contempt Petition filed under Order 11 of the Contempt of Court Act, to punish the respondents for the deliberate and wilful disobedience of the order passed by this Hon'ble Court in M.P(MD) No.2 of 2015 in W.P.(MD)No.7000 of 2015 dated 28.04.2015 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in CONT P(MD).862 of 2015 :

This Contempt Petition filed under Order 11 of the Contempt of Court Act, to punish the respondents for the deliberate and willful disobedience of the order passed by this Honourable Court in M.P.(MD)No.2 of 2015 in W.P.(MD)No.7001 of 2015 dated 28.04.2015.

Prayer in CONT P(MD).863 of 2015 :

This Contempt Petition filed under Order 11 of the Contempt of Court Act, to punish the respondents for the deliberate and willful disobedience of the order passed by this Honble Court in MP(MD)NO. 2 of 2015 in WP(MD)NO. 7004 of 2015 dated 28/04/2015.

Prayer in CONT P(MD).864 of 2015 :

This Contempt Petition filed under Order 11 of the Contempt of Court Act, to punish the respondents for the deliberate and willful disobedience of the order passed by this Honourable Court in MP. (MD).No.2/2015 in WP.(MD).No.7005/2015 dated 28.04.2015.

Prayer in CONT P(MD).865 of 2015 :

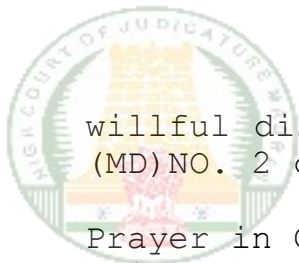
This Contempt Petition filed under Order 11 of the Contempt of Court Act, to punish the respondents for the deliberate and wilful disobedience of the order passed by this Hon ble Court in M.P(MD) No.2 of 2015 in W.P.(MD)No.7002 of 2015 dated 28.04.2015 and pass such further or other orders as this Hon ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in CONT P(MD).866 of 2015 :

This Contempt Petition filed under Order 11 of the Contempt of Court Act, to punish the respondents for the deliberate and willful disobedience of the order passed by this Honourable Court in M.P.(MD)No.2 of 2015 in W.P.(MD)No.7007 of 2015 dated 28.04.2015.

Prayer in CONT P(MD).867 of 2015 :

This Contempt Petition filed under Order 11 of the Contempt of Court Act, to punish the respondents for the deliberate and



willful disobedience of the order passed by this Honble Court in MP (MD)NO. 2 of 2015 in WP(MD)NO.7006 of 2015 dated 28/04/2015.

Prayer in CONT P(MD).868 of 2015 :

This Contempt Petition filed under Order 11 of the Contempt of Court Act, to punish the respondents for the deliberate and willful disobedience of the order passed by this Honourable Court in MP.(MD).No.2/2015 in WP.(MD).No.7003/2015 dated 28.04.2015.

Prayer in CONT P(MD).869 of 2015 :

This Contempt Petition filed under Order 11 of the Contempt of Court Act, to punish the respondents for the deliberate and wilful disobedience of the order passed by this Hon ble Court in M.P(MD) No.2 of 2015 in W.P.(MD)No.7008 of 2015 dated 28.04.2015 and pass such further or other orders as this Hon ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in SUB A(MD).150 of 2015 :

This Sub application filed under Section 151 of CPC to grant an order of Interim injunction restraining the respondents from destroying or improving or altering the existing landscape or buildings in the land in S.NO. 348/1B, Kuthiliappai Village, Ottanchatiram Tk, Dindigul District pending disposal of the above contempt petition.

Prayer in SUB A(MD).151 of 2015 :

This Sub application filed under Section 151 of CPC to grant an order of Interim Injunction restraining the respondents from destroying or improving or altering the existing landscape or buildings in the land in S.No.348/1B, Kuthiliappai Village, Ottanchatiram Taluk, Dindigul District, pending disposal of the above CONT P.(MD).No.860/2015.

Prayer in SUB A(MD).152 of 2015 :

This Sub application filed under Section 151 of CPC to grant an order of Interim Injunction restraining the respondents from destroying or improving or altering the existing landscape or buildings in the land in S.No.348/1B, Kuthiliappai Village, Ottanchatiram Taluk, Dindigul District, pending disposal of the above contempt petition.

Prayer in SUB A(MD).153 of 2015 :

This Sub application filed under Section 151 of CPC to grant an order of Interim Injunction restraining the respondents from destroying or improving or altering the existing landscape or buildings in the land in S.No.348/1B, Kuthiliappai Village, Ottanchatiram Taluk, Dindigul District, pending disposal of the above Cont P(MD)NO.862 of 2015.



Prayer in SUB A(MD).154 of 2015 :

This Sub application filed under Section 151 of CPC to grant an order of Interim Injunction restraining the respondents from destroying or improving or altering the existing landscape or buildings in the land in S.NO. 348 /1B, Kuthiliappai Village, Ottanchatiram Tk, Dindigul District, pending disposal of the above contempt petition.

Prayer in SUB A(MD).155 of 2015 :

This Sub application filed under Section 151 of CPC to grant an order of Interim Injunction restraining the respondents from destroying or improving or altering the existing landscape or buildings in the land in S.No.348/1B, Kuthiliappai Village, Ottanchatiram Taluk, Dindigul District, pending disposal of the above CONT P.(MD).No.864/2015.

Prayer in SUB A(MD).156 of 2015 :

This Sub application filed under Section 151 of CPC to grant an order of Interim Injunction restraining the respondents from destroying or improving or altering the existing landscape or buildings in the land in S.No.348/1B, Kuthiliappai Village, Ottanchatiram Taluk, Dindigul District, pending disposal of the above contempt petition.

Prayer in SUB A(MD).157 of 2015 :

This Sub application filed under Section 151 of CPC to grant an order of Interim Injunction restraining the respondents from destroying or improving or altering the existing landscape or buildings in the land in S.No.348/1B, Kuthiliappai Village, Ottanchatiram Taluk, Dindigul District, pending disposal of the above Cont P(MD)No.866 of 2015.

Prayer in SUB A(MD).158 of 2015 :

This Sub application filed under Section 151 of CPC to grant an order of Interim injunction restraining the respondents from destroying or improving or altering the existing landscape or buildings in the land in S.NO. 348/1B, Kuthiliappai Village, Ottanchatiram Tk, Dindigul District pending disposal of the above contempt petition.

Prayer in SUB A(MD).159 of 2015 :

This Sub application filed under Section 151 of CPC to grant an order of Interim Injunction restraining the respondents from destroying or improving or altering the existing landscape or buildings in the land in S.No.348/1B, Kuthiliappai Village, Ottanchatiram Taluk, Dindigul District, pending disposal of the above CONT P.(MD).No.868/2015.



Prayer in SUB A(MD).160 of 2015 :

This Sub application filed under Section 151 of CPC to grant an order of Interim Injunction restraining the respondents from destroying or improving or altering the existing landscape or buildings in the land in S.No.348/1B, Kuthiliappai Village, Ottanchatiram Taluk, Dindigul District, pending disposal of the above contempt petition.

For Petitioners : Mr.B.Saravanan
For Respondents : Mr.R.Suresh Kumar
Government Advocate

COMMON ORDER

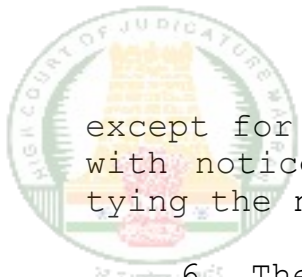
The issue involved in all these writ petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2. The petitioners, who were identified as landless poor were allotted lands measuring an extent of 10 meters X 12 meters in S.No.348/1B, Kuthiliappai Village, Oddanchatram Taluk, Dindigul District through proceedings of the third respondent dated 27.01.2006. The possession was also handed over to the petitioners. As per the terms and conditions of allotment, the petitioners will have to put up a structure in the property within a period of 6 months / 12 months as provided in the allotment order. The consistent stand that has been taken by all the petitioners is that they have put up thatched houses in the respective land that was allotted to them. To substantiate the same, the petitioners are also relying upon house tax receipts issued by the concerned Panchayat.

3. The fourth respondent passed a resolution on 03.09.2014 to the effect that out of the 489 persons to whom allotment was made, only 31 persons have constructed houses and the rest of them have not put up any construction and most of them do not even belong to the concerned village. Therefore, as per this resolution, a request was made to the third respondent to cancel the allotment and to re-allot the lands to the landless poor.

4. Pursuant to the above resolution, the third respondent through proceedings dated 24.09.2014 directed the Village Administrative Officer, Kuthiliappai to issue notice to all those allottees, who are alleged to have violated the condition of allotment by not putting up any constructions, within a period of six months and to call upon them to give their explanations as to why their allotment should not be cancelled.

5. The Village Administrative Officer accordingly proceeded to serve notice to the allottees and from his report, it is seen that



except for some of the allottees, a majority of them have been served with notice by way of planting a stick in the respective land and tying the notice in that stick with a twine.

6. Thereafter the third respondent forwarded a report to the second respondent on 01.10.2014. It is seen from the report that the Tahsildar had recommended for cancellation of the allotment with respect to 464 allottees. The petitioners also formed part of these allottees.

7. Based on the report/recommendation forwarded by the third respondent, the second respondent has proceeded to pass the impugned order dated 28.11.2014 cancelling the allotment made in favour of 464 persons. As a consequence of the same, the third respondent has proceeded to issue proceedings dated 26.12.2014, whereby fresh allotment has been made in favour of 134 persons. The petitioners, aggrieved by the same, have challenged the cancellation order passed by the second respondent and consequential allotment order passed by the third respondent in these writ petitions.

8. The third respondent has filed a counter affidavit in all these writ petitions. The relevant portions in the counter affidavit are extracted hereunder:

"6.It is submitted that the 3rd respondent herein has issued a show cause notice why the beneficiaries has not compiled the conditions as per the allotment order vide his proceedings Na.Ka.No.8423/2014/E3 dated 24.09.2014. Since the beneficiaries including the petitioners are not residing in the village and whereabouts of the beneficiaries are not known, the notice copies of the said proceedings were duly published in the land in question and concerned village and surroundings areas. Further, the said proceedings are communicated to the village people and surroundings areas by beat of tom-tom by the Village Administrative Officer, Kuthiluppai Village Panchayt. Thereafter the 3rd respondent made a recommendation to his proceedings Na.Ka.No.8423/2014/E3 dated 01.10.2014 to the 3rd respondent herein in which he recommended that 464 pattas which was issued in the said houseless poor scheme would be cancelled, so as to enable to issue a patta in favour of landless poor residing at Kuthilluppai Village. Thereafter the 2nd respondent has carefully considered the recommendation of the 3rd respondent and his proceedings and passed cancellation order on 28.11.2014 and in Na.Ka.4671/2014/A6.

7.It is submitted that the petitioners and other beneficiaries have not compiled the conditions imposed in their allotment order and in such circumstances the purpose of the said scheme is not fulfill. It is



pertinent to note that the allotment order clause II clearly mentioned that the beneficiaries should construct hut or tiled house as per the plan within the six months. Further, the clause IV clearly mentioned as follows:

4.ஷ ஷெட்யூலில் கண்ட விபரமும் அளவுள்ள ஒரு கட்டிடமாவது முன்னதாக அனுமதி பெற்றுக் கொண்டு மேற்படி விபரத்துக்கும், அளவுக்கும் பதிலாக வேறே விபரமும், அளவும் ஏற்படாமலிருந்தால் அந்த விபரமும், அளவுள்ள ஒரு கட்டிடமாவது மேலே கண்ட காலத்திற்குள் அநேகமாய் பூர்த்தி செய்து முடிக்கப்படாவிட்டாலும் (3) நிபந்தனையின் குறிப்பிட்டுள்ளபடி வாஸ் தவமான கட்டிடத்தின் முன்னும் பின்னும் அடியுள்ள காலியிடம் விடப்பட்டாலும், அப்படிப்பட்ட ஒரு கட்டிடம் கட்டி பின் கை விட்டாலும் அதாவது ஒரு வருட காலம் வரையில் அனுபவிக்காமல் பழுதான நிலையிலிருக்கும்படி விடப்பட்டாலும், அதில் உடனே மறுபடியும், பிரவேசித்து அந்த மனையையாவது அந்த மனையையும் கட்டிடத்தையுமாவது சுவாதீனப்படுத்திக் கொள்ள அரசாங்கத்திற்கு பாத்தியதை உண்டு. அப்போது அந்த நிலத்தின் மேலிருக்கும் எந்த கட்டிடங்களுக்காகவும் அல்லது அங்கே செய்யப்பட்டுள்ள வேறே எந்த சீர்திருத்தங்களுக்காகவும் அரசாங்கத்தார் எவ்வித பிரதிபலனும் கொடுக்க உட்பட்டவர்களாக மாட்டார்கள்.

Hence the 2nd respondent has rightly passed cancellation order after following all the procedures as prescribed in law and in such circumstances the said order is sustainable in law.

8.It is submitted that the main grievance of the petitioners are that there is no proper opportunity was given to them and the 2nd respondent has violated the natural justice before passing the impugned order. It is pertinent to note that it is admitted fact that the petitioners herein and other beneficiaries of the said scheme have not constructed any house as per the plan on their respective plots. Further, they have kept the land as vacant site and in such circumstances there is no possible to serve personal notice to the petitioners as well as beneficiaries. Further it is also be noted that all the petitioners are cited address in the writ petitions that they are residing in Kuthilluppai Village, if they are really residing in the said village they have very well known about the resolution of the 4th respondent as well as the proceedings of the 2nd and 3rd respondents. Hence, the authorities have rightly communicated the said proceedings by way of public notice which was affixed in the respective plots and by beating tom tom by 3rd respondent and thereafter the order was passed by the 3rd respondent. Due to the above said circumstances the opportunity was not given to the petitioners does not arise as alleged by the petitioners.

9. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents.



10. The main contentions that were raised by the learned counsel for the petitioners are,

(a) The mode of service of notice as found from the proceedings of the Tahsildar and the Village Administrative Officer is not sufficient notice and it is not recognized in law ;

(b) The second respondent has mechanically passed an order without any application of mind and merely based on the recommendation made by the third respondent ; and

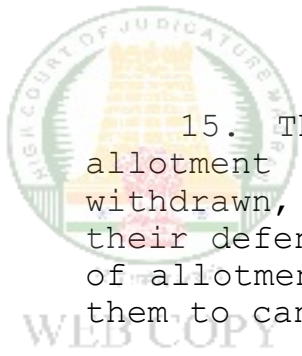
(c) The order of the second respondent provides for filing an appeal within a period of 30 days before the District Revenue Officer and even before the expiry of this period, the third respondent proceeded to pass the consequential order on 26.12.2014 re-allotting the lands in favour of 134 persons.

11. In the counter affidavit filed by the third respondent, a stand has been taken to the effect that there was a beat of Tom-Tom that was made in the village and thereby the message was conveyed in the entire village. This stand has been taken for the first time in the counter affidavit and neither the report of the Village Administrative Officer nor the report of the Tahsildar, anywhere mentions about the beating of Tom-Tom in the village. It is consistently stated in all the reports that insofar as the petitioners are concerned, a notice was served by planting a stick in the respective land and tying the notice around the stick with a twine. This mode of service that has been adopted by the Village Administrative Officer as recommended by the Tahsildar does not stand the scrutiny of law. The authorities can always take such a stand and no one will be able to refute the same and this is not the mode of service of notice that is provided for before cancelling the allotment.

12. In view of the above, the very cancellation of allotment becomes vitiated for not properly serving the notice on the petitioners and providing them with an opportunity.

13. The petitioners have taken a stand that they have put up a thatched houses and it is also assessed to house tax. Therefore, if the notice had been properly served, the petitioners would have had the opportunity to put forth this stand before the second respondent, who had passed the impugned order cancelling the allotment.

14. That apart, the second respondent seems to have passed the impugned order only based on the recommendation of the third respondent without any independent application of mind.



15. The petitioners have acquired a right by virtue of an allotment made in their favour. Therefore, when the same is withdrawn, they must be given adequate opportunity to put forth their defence. Thereafter if the respondents find that the condition of allotment has not been fulfilled, it will always be left open to them to cancel the allotment.

16. The hasty manner in which the entire process had taken place becomes even more evident from the fact that the third respondent had proceeded to pass orders of re-allotment even before the 30 days appeal period was over. The impugned order passed by the second respondent made it very clear that the aggrieved persons can file an appeal within a period of 30 days before the District Revenue Officer. This order was passed on 28.11.2014. However, on 26.12.2014, the third respondent had proceeded to pass the consequential order re-allotting the lands.

17. In view of the above discussion, this Court holds that the impugned order passed by the second respondent dated 28.11.2014 requires the interference of this Court mainly on the ground of violation of principles of nature justice. Accordingly, the impugned proceedings of the second respondent dated 28.11.2014 and the consequential proceedings of the third respondent dated 26.12.2014 are hereby quashed insofar as the petitioners are concerned.

18. There shall be a direction to the petitioners to submit their explanations before the second respondent, namely, the Revenue Divisional Officer, Palani within a period of six weeks from the date of receipt of a copy of this order. The Revenue Divisional Officer, Palani, immediately on receipt of the same, shall conduct an enquiry and final orders shall be passed strictly in accordance with law within a period of eight weeks thereafter.

19. In the result, all these writ petitions are allowed with the above directions. No costs. Consequently connected Miscellaneous Petitions are closed.

Cont. P (MD) Nos.859 to 869 of 2015

In view of the disposal of W.P.(MD) Nos.17672/2015 etc., batch, these contempt petitions are closed.

Sd/-

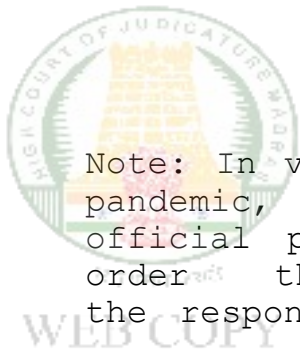
Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR



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,
Dindigul District, Dindigul.
- 2.The Revenue Divisional Officer,
Palani, Dindigul District.
- 3.The Tahsildar
Oddanchathiram Taluk
Dindigul District.

+1 CC to M/s.SPL GP (SR-22103 & 22079)

+9 CC to Mr.B.SARAVANAN, Advocate (SR.No.21921,21915,22178 & 22196)

W.P.(MD)Nos.17672 to 17674, 2792 to 2797,
6999 to 7008, 10719, 4417, 4418, 4420, 4619 of 2015
and
M.P.Nos.1, 2 and 3 of 2015
and Cont.P.(MD) Nos.859 to 869/2015
and Sub.A.(MD) Nos.150 to 160 of 2015
08.07.2021

KMK(CO)

TR(26.07.2021) 20P 14C