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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.14105 & 14106 OF 2004

AND

W.M.P.NOS.16638 & 16640 OF 2004

P.M.Kuppusamy

... Petitioner in W.P.No.14105/2004

K.Nachimuthu

... Petitioner in W.P.No.14106/2004

Vs.

1. The Special Commissioner & Commissioner,
for Land Administration,
Chepauk,
Chennai - 600 005.

2. The District Revenue Officer,
Dindigul.

3. The Revenue Divisional Officer,
Palani.

4. The Tahsildar, Palani.

5. M.K.Ramasamy

... Respondents in both W.Ps

COMMON PRAYER: These Writ Petitions filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, Calling for the records of the first respondent vide his proceedings in Roc.No.21162/2003/F3 dated 21.04.2004 and to quash the same and further to direct the respondent 1 to 4 herein to grant a patta in Survey Nos.222/1 & 222/3 in Puliampatti Village, Palani, Dindigul District to the petitioner.



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For Petitioners
[in both W.Ps]

:

Mr.S.Govindraman

For Respondents
[in both W.Ps]

:

Mr.T.Chezhiyan
Additional Government Pleader
[For R1 to R4]

M/s.N.Umapathi
[For R5]

Mr.N.A.Nassir Hussain
Amicus Curiae

COMMON ORDER

The petitioners have filed these petitions for Writ of Certiorarified Mandamus to call for the records of the first respondent vide his proceeding dated 21.04.2004 and further to direct the respondent 1 to 4 herein to grant a patta in Survey Nos.222/1 & 222/3 in Puliampatti Village, Palani, Dindigul District to the petitioner.

2. The petitioners are farmers by profession and working at Balaji Panni Thottam in Puliampatti, Palani for the past five years and adjacent to the said Pannai, an unassessed waste land is situated under S.F.No.222 and the petitioners had occupied the land to the extents of 0.47.5 hectares and 0.45.5 hectares and sappld trees and had also cultivated the lands. Since the land is Government puramboke, the concerned authorities had issued notices to the petitioners for occupying the Government land and in those circumstances, the petitioners used to pay the necessary amount towards penalty. The petitioners preferred an application in the year 2001 to the Tahsildar, Palani / 4th respondent to grant patta in S.F.No.222 and the 4th respondent, after proper verification of the records and called for the objections from the people of the Village, had forwarded a report to the Revenue Divisional Officer, Palani, / 3rd respondent and after considering the petitioners' request, they were granted patta in their favour in S.F.Nos.222/1 and 222/3 vide proceedings dated 29.06.2001. The 5th respondent herein who is the adjacent land owner, persuaded to handover the possession of the land. In the circumstances, the 5th respondent had preferred an appeal before the 3rd respondent on 20.10.2001 raising several allegations against the petitioners and to cancel the patta granted to the petitioners by the 4th respondent



and vide proceedings dated 20.01.2003, their patta was cancelled. Aggrieved against the order of the 3rd respondent, the petitioners had preferred an appeal before the 2nd respondent and the 2nd respondent without considering the appeal preferred by the petitioners, has passed the order dismissing the appeal. While being so, the petitioners preferred an appeal before the Special Commissioner, Land Administration, / 1st respondent. However, the 1st respondent without considering their appeal, had also dismissed the same vide his proceedings dated 21.04.2004. Aggrieved by the same, the present petitions are filed by the petitioners.

3. The learned counsel appearing for the petitioners submitted that besides when the appeal was pending on the file of the 1st respondent, the respondents 3 and 4 by acting upon the influence of the 5th respondent had initiated action to expel the petitioners from the possession of the land. Therefore, the petitioners left with no other options except to file these Writ Petitions, praying for quahment of the order of the 1st respondent and to issue patta in their favour.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the writ petitioners after getting the assignment of land has erected fence and occupied the assigned land and blocked the usual pathway and created law and order problem and then only, the matter was taken up by the Revenue Divisional Officer, Palani, and a detailed enquiry was also conducted and after considering all the facts and circumstances, the RDO, Palani, has cancelled the assignment made in favour of the writ petitioners. Aggrieved by the order passed by the RDO, Palani, the writ petitioners filed a Revision Petition before the DRO, Dindigul, who after verifying the records, observed that one A.Velusamy, an adjacent patta land owner with an intention to occupy the nearby Government Poromboke had applied for assignment in the name of the petitioners herein as benami and obtained assignment DKT patta and the inspection also revealed that one third of the assigned land is a rocky portion, which is also used by the nearby village peoples as a thrashing floor for a longtime and further the petitioners removed the trees stood in the assigned land and violated the condition No.14 in the DKT patta. Therefore, the order of cancellation passed by RDO, Palani, was confirmed by the DRO, Dindigul. Aggrieved by the orders, the petitioners have filed a Revision before the Special Commissioner and Commissioner of Land Administration, who has observed that the land in question was not under the possession of writ petitioner, but it was under the enjoyment of one T.Velusamy and the writ petitioners are not residing in the Village and thereby violated the condition no.1 of the DKT patta and further the



land in question was not inspected by the Tahsildar before granting assignment and also not considered the necessity of land for Government purpose and therefore, the 1st respondent has confirmed the orders passed by the DRO, Dindigul and dismissed the revision petitions filed by the petitioners. As the assignment was made without proper enquiry, based on the merit of the case, the assignment was cancelled. Further as per condition no.1 in the DKT patta, the assignee must involve in direct cultivation in the assigned land, whereas in this case, the assignee / petitioners are benami under one Thiru.A.Velusamy and neither involved in cultivation nor developed the assigned land. Therefore, the order of the 1st respondent is not in any way violating Article 226 of the constitution of India and hence the Writ Petition deserved no consideration and prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. Facts in the present case are not in dispute. The petitioners were granted assignment under Order 15 of the Revenue Standing Order with one of the main conditions that the petitioners have to brought the barren lands for cultivation within a period of three years. Though even after a lapse of three years, the petitioners have not taken effective steps to brought the land for cultivation and thereby violating the conditions of the assignment. Therefore, the respondents after due enquiry and considering the facts and circumstances of the case, has rightly cancelled the assignment, which is legally valid and this Court cannot interfere with the orders passed by the respondents, as no contra documents were produced before this Court, to find fault on the decision of the respondents and therefore, the relief sought for by the petitioners cannot be granted and the same is liable to be dismissed.

7. For the reasons aforesaid, these Writ Petitions are dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Commissioner & Commissioner,
for Land Administration,
Chepauk, Chennai - 600 005.

2. The District Revenue Officer,
Dindigul.

3. The Revenue Divisional Officer,
Palani.

4. The Tahsildar, Palani.

+1cc to M/s.N.Umapathi, Advocate, S.R.No.13870

+1cc to the Government Pleader, S.R.No.14584

W.P.Nos.14105 & 14106 of 2004

AK(CO)
RLP(04/04/2022)