



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.13644 OF 2010

AND

M.P.NOS.2 & 3 OF 2010 AND M.P.NO.1 OF 2011

1. M.Jayakodi
2. Thirumathi Margret
3. S.Parimala
4. P.Ayyakannu
5. Thirumathi A.Vijayalakshmi
6. Bharkath Begam
7. K.Periyammal
8. A.Parvathi
9. M.Anjalai
10. V.Selvarani
11. S.Pappa
12. S.Sathya
13. A.Ayyakannu
14. A.Ambayiram
15. G.Kuyini
16. S.Selvi
17. B.Valarmathi
18. R.Anjalai
19. N.Sumathi
20. A.Meena
21. K.Anjalai
22. N.Tamilselvi
23. A.Palaniyammal
24. R.Veerammal
25. K.Vijaya
26. R.Uma
27. N.Asha
28. T.Dhanalakshmi
29. S.Indira

... Petitioners

Vs.

1. The District Collector,
Collectorate, Vilupuram District.



2. The District Revenue Officer,
Collectorate, Villupuram District.
3. The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Kallakurichi.
4. The Tasildar,
Taluk Office, Kallakurichi.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records from the 3rd respondent Na.Ka.A2/ 6587-09 dated 18.05.2010 relating to cancellation of patta of the petitioners and quash the same so far as the petitioners are concerned and consequently to direct the 1st and 2nd respondent to permit the petitioners to cultivate in their respective allotted free sites in S.F.No.264/7 of Vadathorasalur Village, Kallakurichi Taluk.

For Petitioners : Mr.P.Saravanan

For Respondents : Mr.Chezhiyan
Additional Government Pleader

O R D E R

The petitioners have filed this writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent proceedings in Na.Ka.A2/ 6587-09 dated 18.05.2010 and quash the same so far as the petitioners are concerned and consequently to direct the 1st and 2nd respondent to permit the petitioners to cultivate in their respective allotted free sites in S.F.No.264/7 of Vadathorasalur Village, Kallakurichi Taluk.

2. The case of the petitioners is that, they are members of the Tamilnadu Agricultural Labourers-Farmers (Social Security and Welfare) Scheme, 2006. The petitioners being landless poor people have made an application before the 4th respondent for free agricultural land and after scrutinising the petitioners' application, the 4th respondent issued assignment on 24.08.2009 in favour of the petitioners in S.F.No.264/7 at Vadathorasalur Village, Kallakurichi Taluk, Vilupuram District. Aggrieved by the said assignment, one Mr.Radhakrishnan along with other twenty persons gave petition to cancel the assignments of 84 beneficiaries and based on the above the said petition, the 4th



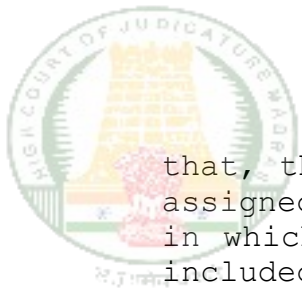
respondent gave a recommendation letter to the 3rd respondent on 04.02.2010. Pursuant to the 4th respondent's letter, the 3rd respondent, sent a letter dated 16.02.2010 to the 3rd respondent, issuing direction to all the 84 beneficiaries to appear before the 3rd respondent's office for enquiry and the same was complied with by the petitioners. However, without enquiring the petitioners, the 3rd respondent passed the present impugned order dated 18.05.2010 in proceedings Na.Ka.A2/ 6587-09 and cancelled all the 84 assignments pertaining to S.F.No.267/7 for violation of conditions imposed in assignment. Hence, challenging the said impugned order, the present Writ petition is filed.

3. The learned counsel appearing for the petitioners submitted that, after due verification, the Revenue officials have granted land in favour of the petitioners on 24.08.2009, however, based on the instigation of some aggrieved third parties and highly influential persons, the said assignments in favour of the petitioners and other beneficiaries were cancelled on 18.05.2010, without following the procedures laid down by the Revenue Standing Orders, which is not sustainable. He further submitted that, the 3rd respondent has passed the said impugned order, without issuing show cause notice to the petitioners and other beneficiaries, regarding cancellation of assignments and without providing sufficient opportunity to explain their grievances. Hence, he submitted that, this Court may set aside the impugned order dated 18.05.2010 passed by the 3rd respondent and consequently direct the 1st and 2nd respondents to permit the petitioners to cultivate in their respective allotted free sites in S.F.No.264/7 of Vadathorasalur Village, Kallakurichi Taluk.

4. The learned Additional Government Pleader appearing on behalf of the respondents submitted that, as against the order dated 18.05.2010 passed by the 3rd respondent, the Revenue Divisional Officer in proceedings Na.Ka.A2/ 6587-09, there is an Appeal remedy available before the 2nd respondent / District Revenue Officer and the impugned order itself clearly states that, the aggrieved persons can prefer appeal within a period of thirty days. However, without exhausting the said remedy, filing the present Writ petition challenging the order passed by the 3rd respondent is not sustainable. Hence, he prays for dismissal of the present Writ petition.

5. Heard the arguments advanced by the learned counsel on either side.

6. This Court perused the impugned order dated 18.05.2010 passed by the 3rd respondent in proceedings Na.Ka.A2/ 6587-09 and on perusal of the said impugned order it reveals that, the assessments were cancelled by the 3rd respondent on the ground



that, the petitioners / beneficiaries are not living in the said assigned lands and totally 84 assessment pattas were cancelled in which the lands assigned to the petitioners herein were also included. However, the impugned order makes it clear that if the petitioners / beneficiaries are aggrieved by the said order, they have an Appeal remedy available before the 2nd respondent / District Revenue Officer. Without availing the said Appeal remedy, filing the present Writ petition is not sustainable.

7. In view of above, this Court is not inclined to interfere with the impugned order passed by the 3rd respondent. However, the petitioners are directed to file an Appeal petition before the 2nd respondent, The District Revenue Officer within a period of two weeks from the date of receipt of a copy of this order. On filing of such Appeal petition, the 2nd respondent is directed to consider the same and pass orders as expeditiously as possible.

8. This Writ Petition is accordingly disposed of. No cost. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Collectorate, Vilupuram District.
2. The District Revenue Officer,
Collectorate, Villupuram District.
3. The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Kallakurichi.
4. The Tasildar,
Taluk Office, Kallakurichi.

+1cc to M/s.P.Saravanan, Advocate, S.R.No.11495
+1cc to the Special Government Pleader, S.R.No.12023

W.P.No.13644 of 2010
and
M.P.Nos.2 & 3 of 2010 and M.P.No.1 of 2011

SKM(CO)
RLP(08/04/2022)