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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.1852 OF 2010
M.P.NOS.1 & 2 OF 2010

1.Thangammal

2.Sarasu

3.Santhi

...Petitioners

-Vs-

1.The Revenue Divisional Officer,
Sankari
Salem District.

2.Amudha

3.Lakshmi

(R3 Cause title amended as
per order dated 05.09.2013
in M.P.No.1 of 2011 in
W.P.No.1852 of 2010)

4.Palaniammal

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the order dated 27.11.2009 made in Na.Ka.3124/2009(B) on the file of the first respondent herein and quash the same.

For Petitioners	:	Mr.Satha Satheesh for Ms.Zeenath Begum
For Respondents	:	Mr.V.Jeevagiridharan Additional Government Pleader
For R1	:	Mr.V.Jeevagiridharan Additional Government Pleader
For R2 to R4	:	Ms.S.Geetha For Mr.Rajnish Pathiyil



ORDER

The Writ Petition has been filed to call for the records relating to the order dated 27.11.2009 made in Na.Ka.3124/2009 (B) on the file of the first respondent herein and quash the same.

2. The petitioners were assigned land under the Tamil Nadu Scheme of Distribution of 2 Acres of Waste Land to Families of Poor Agriculturists by an order dated 28.12.2007 by the District Collector, Salem, in respect of the land comprised in survey No.129/5 to an extent of 0.38.5 hectare in favour of the first petitioner and the land comprised in survey No.129/6 to an extent of 0.41.5 hectare in favour of the second petitioner and the land comprised in survey No.129/7 to an extent of 0.46.5 hectare in favour of the third petitioner. However by an order dated 27.06.2008, the District Collector, Salem, cancelled the assignment of patta granted in favour of the petitioners, without any notice and without giving any opportunity of hearing.

3. Therefore, the petitioners have challenged the cancellation of assignment dated 27.06.2008 before this Court in W.P.No.23208 of 2008 and this Court set aside the order of cancellation of assignment by an order dated 29.07.2009 and directed the District Collector, Salem, to conduct enquiry afresh after sending notice to the petitioners and affording due opportunity to ventilate their grievances. However, no enquiry was conducted and thereafter the petitioners were informed that there is law and order issue, since after cancellation of assignment in favour of the petitioners, the subject lands were allotted to the respondents 2 to 4 herein.

4. Heard Mr.Satha Satheesh, learned counsel appearing for the petitioners, Mr.V.Jeevagiridharan, learned Additional Government Pleader appearing for the first respondent and Ms.S.Geetha, learned counsel appearing for the respondent 2 to 4.

5. The learned Government Advocate appearing for the first respondent would submit that as directed by this Court, the first respondent issued notice for enquiry to the petitioners. However, the petitioners refused to receive the notice and did not co-operate for enquiry.

6. Considering the above, the first respondent is directed to issue fresh notice to the petitioners and the respondents 2 to 4 herein within a period of two weeks from the date of receipt of a copy of this Order and thereafter conduct enquiry after giving them opportunity of hearing and pass orders on



merits and in accordance with law, within a period of twelve weeks thereafter. It is made clear that the petitioners as well as the respondents 2 to 4 are directed to co-operate with the enquiry to be conducted by the first respondent.

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7. With the above directions, the Writ Petition stand disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

rts

To

The Revenue Divisional Officer,
Sankari
Salem District.

+1cc to Mr.V.Rajesh, Advocate Sr.No.1375

+1cc to the Government Pleader Sr.No.2079

W.P. No.1852 of 2010
M.P.Nos.1 & 2 of 2010

PL(CO)
RVM(10/02/2022)