



W.P. No.19298 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.19298 of 2010

1. S.Pakiavathi
2. T.Usharani

.. Petitioners

Vs.

1. The Secretary to Government,
Home Department,
Secretariat, Chennai-9.

2. The Secretary to Government,
Department of Adi-Dravidar and
Tribal Welfare,
Secretariat, Chennai-9.

3. The District Collector,
Nagapattinam District,
Nagapattinam.

4. The District Revenue Officer,
Nagapattinam District,
Nagapattinam,

5. The Superintendent of Police,
Nagapattinam District.

6. The Revenue Divisional Officer,
Myladuthurai,



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Nagapattinam District.

7. The Tahsildar,
Kuthalam Taluk,
Kuthalam,
Nagapattinam District.

8. Jeevanandam

9. Anbalagan

10. Sekar

11. Konerirajapuram Panchayat,
Rep. By its President,
Konerirajapuram,
Kuthalam Taluk,
Nagapattinam District.

.. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writs of declaration declaring that the orders dated 25.09.2009 and 21.06.2010 issued by the respondents 6 and 4 respectively and also the action of the respondents, particularly the respondents 7 to 11, as null and void, invalid, illegal and unconstitutional and consequentially, forbear the respondents 7 to 11 from interfering with the petitioner's possession and enjoyment of their respective properties each measuring 5.5 cents and situated in survey No.567/1, Konerirajapuram Village, Mayiladudurai Taluk, Nagapattinam District in any manner whatsoever and direct the respondents 7 to 10 to pay them a compensation Rs.2,00,000/- (Rupees two lakhs) each award exemplary costs.



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For Petitioner : Mr. V.Ajoy Khose
For Respondent : Mr. M.Murali
Government Advocate

ORDER

The petition is filed for issuance of Writs of declaration declare the orders dated 25.09.2009 and 21.06.2010 issued by the respondents 6 and 4 respectively and to forbear the respondents 7 to 11 from interfering with the petitioner's possession and enjoyment of their respective properties each measuring 5.5 cents and situated in survey No.567/1, Konerirajapuram Village, Mayiladudurai Taluk, Nagapattinam District and direct the respondents 7 to 10 to pay them a compensation Rs.2,00,000/- (Rupees two lakhs) each award exemplary costs.

2. The case of the petitioners is that the petitioners were granted assignment patta in terms of the Revenue Standing Orders and the said patta sought to be cancelled at the instigation of one Ramamoorthy Varma, who is the president of Konerirajapuram Village. After conducting enquiry, the Sub



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Collector, Mayiladuthurai, was cancelled the patta on 25.09.2009.

Challenging the said cancellation order, the petitioners have filed appeal before the appellate authority. The appellate authority have also confirmed the order dated 25.09.2009. Challenging the same, the present writ petition has been filed.

2. The learned counsel for the petitioner submitted that the assignment patta was cancelled by the authorities only on the two grounds. One of the ground is that the petitioners have not constructed the house immediately after obtaining patta and the first petitioner is working as a Teacher in the Government Middle School. The learned counsel objected the aforesaid grounds and the same is not true. Immediately after getting patta, the petitioners have constructed a house. However, the house was damaged and subsequently, the same was demolished by the authorities. At the time of assignment, the first petitioner was not employed anywhere. After receipt of the said assignment patta, the first petitioner got employment in nearby school as Teacher. The learned counsel further submitted that all those issues can be established only before the civil Court.



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Therefore, the learned counsel prays to pass appropriate orders.

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4. Heard, learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the respondents and perused the materials available on records.

5. The facts of the case are not in dispute. Admittedly, the petitioners were granted assignment patta in the year 1994. The said assignment was patta was sought to be cancelled at the instigation of the said Village President as stated supra. The learned counsel for the petitioner submitted that the grounds stated in the impugned order itself are incorrect and therefore, he seeks liberty to agitate the issue before the competent civil Court.

6. Considering the facts and circumstances of the case and the limited request sought for by the petitioner, this Court, without going into the merits of the case, directs the petitioners to file appropriate petition/application before the competent civil court to establish their rights within a period of six weeks from the date of receipt of a copy of this order.



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Till such time, the interim order granted by this Court is extended and the period pending before this Court is excluded for the purpose of limitation.

7. With the above direction, the Writ Petition is disposed of. No costs.

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Index : Yes
Internet : Yes

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To

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M.DHANDAPANI, J.

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