



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.3204 OF 2022

AND

W.M.P.NO.3349 OF 2022

G.Shanthi

... Petitioner

.Vs.

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai

2. The Revenue Divisional Officer,
Cheyyar Taluk,
Tiruvannamalai District.

3. The Tahsildar,
Cheyyar Taluk
Tiruvannamalai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying to issue an appropriate order or direction or Writ of Mandamus directing the 1st respondent to consider and dispose of the appeal dated 05.01.2011 preferred by the petitioner pending as against the cancellation proceeding of the second respondent in Na.Ka.No.A4/3764/2010 dated 10.12.2010 along with the representation of the petitioner dated 02.12.2019 in a manner known to law.

For Petitioner : Mr.K.S.Viswanathan

For Respondents : Mr.M.Murali
Government Advocate

O R D E R

The Writ Petition has been filed seeking direction to the 1st respondent to consider and dispose of the appeal dated 05.01.2011 preferred by the petitioner, pending as against the cancellation proceeding of the second respondent in Na.Ka.No.A4/3764/2010 dated 10.12.2010, along with the



representation of the petitioner dated 02.12.2019, in the manner known to law.

2. The petitioner had been cultivating in the land bearing Survey No.315/6 of an extent of 0.41.0 hectares for several years. On an application made by the petitioner, the Government of Tamil Nadu issued an assignment patta to the petitioner under the Special Scheme for landless agricultural families, 2006, by order No. B5/10904/2 dated 13.12.2006. Based on some incorrect information, the assigned patta granted to the petitioner was cancelled by the second respondent vide proceedings bearing Na.Ka.No.A4/3764/2010 dated 10.12.2010. Challenging the same, present writ petition is filed.

3. The learned counsel for the petitioner contended that, the order was passed without affording reasonable opportunity of hearing to the petitioner and based on incorrect facts. Aggrieved by the order, the Petitioner had filed an appeal, on 05.01.2011, before the 1st respondent. The learned counsel for petitioner states that on 02.07.2014, the Petitioner was called for an Inquiry at Collector Office, Tiruvannamalai. The Petitioner submitted explanation to the same and sought for setting aside the order of cancellation of patta issued by the 2nd respondent. It is contended that so far, no order had been passed by the respondents in the said appeal. Therefore, the petitioner submitted a reminder by way of a representation dated 02.10.2019 to the 1st respondent, to take appropriate steps. The learned counsel for petitioner further states that while that being so, recently the Revenue Authorities, particularly, the third respondent had orally informed the petitioner that the land covered by her patta are being converted into a play ground for public use. The petitioner has also noticed that some arrangements are being made for bringing in construction materials to the site in pursuance of the object to convert the area covered in her patta and as a play ground. Hence, the writ petition.

4. The learned counsel for the petitioner prayed to issue a direction to the first respondent to dispose of the appeal dated 05.01.2011, pending along with the representation of the petitioner dated 02.12.2010 within the stipulated time that may be fixed by this Court.

5. Mr.M.Murali, learned Government Advocate submitted that the first respondent will dispose of the appeal dated 05.01.2011 on merits within the time frame to be fixed by this Court.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate on behalf of the respondents and perused the materials available on record.



7. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the first respondent is directed to consider the appeal of the petitioner dated 05.01.2011, and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

vsn

To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai
2. The Revenue Divisional Officer,
Cheyyar Taluk,
Tiruvannamalai District.
3. The Tahsildar,
Cheyyar Taluk
Tiruvannamalai District.

+1cc to the Government Pleader, S.R.No.10774

W.P.NO.3204 OF 2022 AND
W.M.P.NO.3349 OF 2022

CP (CO)
PBS/21/03/2022