



Writ Petition No.40216 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.40216 of 2015 and
M.P.No.1 of 2015

1. Shanmugasundaram
2. Vanni

... Petitioners

VS.

1. The District Collector,
Karaikal District,
Karaikal,
(Union Territory of Puducherry)
2. The Sub Collector (Revenue)
Karaikal,
(Union Territory of Puducherry).
3. The Tahsildar,
Karaikal Taluk,
Land Survey Division,
Thirunallar,
Karaikal.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the entire records in pursuant to the proceedings issued by the second respondent vide letter No.9895/SCR/KKL/B5/2013-14 dated 11.06.2013 and quash the same in so



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far as this petitioners are concerned.

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For Petitioners : Mr.T.P.Prabakaran

For Respondents : Mr.J.Kumaran
Additional Government Pleader(Puducherry)

ORDER

This writ petition is filed seeking issuance of writ of certiorari to quash the proceedings of the second respondent vide letter No.9895/SCR/KKL/B5/2013-14 dated 11.06.2013.

2. It is the case of the petitioners that an assignment patta was issued by the Sub Collector on behalf of the Lt.Governor, Puducherry in S.No.225/105 situated in Kurumbagaram Village, Nedungadu Commune, Karaikal Taluk in favour of the petitioners. Thereafter, the petitioners were in possession and enjoyment of the above said property. However, the second respondent vide proceedings dated 11.06.2013 cancelled the assignment which was granted in favour of the petitioners citing that the above said land belongs to the Block Development Office, Karaikal and the pattas were issued to the beneficiaries of Kurumbagaram in view of urgency and in anticipation of No Objection Certificate from the Block Development



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Officer, Karaikal. Challenging the same the present writ petition has been filed seeking the aforesaid relief.

3. Learned counsel for the petitioners submit that the second respondent ought to have furnished a copy of the enquiry report to the petitioners after affording an opportunity of hearing to the petitioners. Without doing so, the second respondent abruptly cancelled the assignment Patta issued in favour of the petitioners vide impugned order dated 11.06.2013 which is unsustainable. Accordingly, the impugned order is liable to be quashed.

4. Learned Additional Government Pleader appearing for the respondents submitted that though the assignment patta was granted in favour of the petitioners, they failed to utilise the site for residential purpose within six months from the date of allotment as per the condition number 2 of the LGR assignment Patta. Further, it was stated in the impugned order passed by the second respondent that if at all the petitioners are eligible, the administration will assign residential site to the petitioners in lieu of the



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cancelled patta in Kurumbagaram Revenue Village or nearby areas.

Therefore, this Court may grant liberty to the petitioners to file an application before the second respondent to pass appropriate orders.

5. Heard learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the stand taken by the learned Additional Government Pleader appearing for the respondents, this Court without interfering with the order impugned directs the petitioners to file an application before the second respondent for assignment of alternative site as stated in the impugned order dated 11.06.2013 within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same the second respondent is directed to implement the order dated 11.06.2013 and pass appropriate orders within a period of eight weeks thereafter.



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7. Accordingly this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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RAP

Index : Yes/No

Speaking order : Yes/No

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M.DHANDAPANI, J.



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RAP

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