



W.P.No.29724 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.29724 of 2013
and M.P.Nos.1 & 2 of 2014 and 1 of 2015

- 1.Jayaraj
- 2.Shanthammal
- 3.Dhayamani
- 4.Deivanai
- 5.Arulmeri
- 6.Baby
- 7.Veni
- 8.Gunaseli
- 9.Rani
- 10.Easaian
- 11.Pieula
- 12.Rangasamy
- 13.Esammal
- 14.Saratha
- 15.Vasantha
- 16.Lakshmi

... Petitioners

Vs.

1.The District Collector,

Page No.1 of 7



W.P.No.29724 of 2014

Coimbatore.

2.The Revenue Divisional Officer,
Annur Taluk,
Coimbatore.

3.The Tahsildar,
Annur Taluk,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records of the 2nd respondent in Proceedings Pa.Mu.5365/2012 A2 dated 13.01.2014, quash the same as null and void.

For Petitioner : Mr.S.Sithirai Anandam

For Respondents : Mr.U.Bharanidharan,
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of Writ of Certiorari calling for the records of the 2nd respondent in Proceedings Pa.Mu.5365/2012 A2 dated 13.01.2014, quash the same as null and void.

2. The learned counsel for the petitioners submitted that the property comprised in S.No.53, situated at Kupperpalayam, Annur Taluk, Coimbatore District measuring larger extent of land was classified as poramboke land,



however, the aforesaid subject property was allotted in favour of the petitioners by the first respondent on 21.10.1998 by way of assignment patta, which was classified as “Paraiyar Cherry”. This being the case, the petitioners lodged a complaint dated 20.05.2013, before the first respondent for earmarking and fix boundaries for the property in respect of S.No.53, however, no action was taken.

2.2. The learned counsel for the petitioners further submitted that the petitioners made another detailed representation before the first respondent to measure the property in dispute. Since the representation, no order was passed. Therefore, they approached the Revenue Divisional Officer/second respondent to measure the subject property in S.No.53. In turn, the second respondent passed an order in Na.Ka.No.3649/2013 dated 28.08.2013 by cancelling the assignment pattas issued in favour of the petitioners. Challenging the same, the petitioners have filed this writ petition with the aforesaid prayer.

3. Learned Additional Government Pleader appearing for the respondents would submit that free house site pattas were issued to 40



beneficiaries including the petitioners for the subject property as early as 1998 for building houses and pattas were issued upon 15 conditions, among which, the first and foremost is that the beneficiaries must build a house within 6 months / one year. If the beneficiaries fails to build a house and the land lies vacant, or a house built on the land is abandoned for the one year, the Government is entitled to take possession / resume of the land / building. The said conditions were printed in the patta form itself and the petitioners are also well aware of the same, however, they have not built houses on the said house sites for more than 12 years and the land was lying vacant. Moreover, the petitioners are not residing in the village. Hence, he prayed for dismissal of this writ petition.

4. Heard the learned counsel on either side and perused the materials placed on record.

5. The case of the petitioners is not in dispute. Admittedly, the first respondent issued an assignment house site pattas in favour of the petitioners in the year 1998 and after a lapse of 14 years, the pattas were cancelled on two grounds viz., the petitioners have not constructed pucca houses in the



assigned lands and they are not residing in the village. However, the impugned order dated 13.01.2014 did not reveal with regard to the second ground that the petitioners are not residing in the said village. In the present case on hand, the petitioners have not constructed the pucca building for the reason that the said land was not earmarked and boundaries was not fixed immediately after the assignment and the counter affidavit filed by the respondents also not reveal with regard to the fixation of boundaries and place earmarked to the respective persons.

6. In the present case, the land was assigned in favour of the petitioners in the year 1998, if at all there is a violation, the respondents ought to have cancelled the pattas immediately after one year from the issuance of assignment patta and not after a lapse of 14 years. Hence, the order impugned in this writ petition cannot be sustained. Therefore, this Court directs the first and second respondent to confer pattas in favour of all the persons mentioned in the impugned order dated 13.01.2014.

7. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.



W.P.No.29724 of 2014

29.09.2022

vm

Index : Yes/No

Speaking Order : Yes/No

M.DHANDAPANI,J.

vm

To:

- 1.The District Collector,
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- 2.The Revenue Divisional Officer,
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Coimbatore.
- 3.The Tahsildar,
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