



WEB COPY



W.P.No.25656 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25656 of 2022

Palanisamy

... Petitioner

Vs.

1.The District Revenue Officer,
Coimbatore District,
Coimbatore – 641 018.

2.The Revenue Divisional Officer,
Coimbatore (North),
Coimbatore – 641 018.

3.Tahsildar,
Coimbatore (North),
Coimbatore – 641 018.

4.Santhamani

5.Subramani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of Ni.Mu.4377/2021/E1, dated 30.06.2021 (signed as 30.06.2022) of the 1st respondent and quash the same and subsequently direct the 1st to 3rd respondents to grant patta for S.F.Nos.31/1, 31/2 and 31/3 situated at Blich (East-West) Revenue Village in petitioner's name after cancelling the patta



W.P.No.25656 of 2022

standing in the name of the Nagaraj, S/o.Venkitan and Subramani, S/o.Venkitan.

For Petitioner : Mr.C.Prabhu
For R1 & R2 : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records in Ni.Mu.4377/2021/E1, dated 30.06.2021 (signed as 30.06.2022) on the file of the first respondent and quash the same and subsequently direct the respondents 1 to 3 to grant patta for S.F.Nos.31/1, 31/2 and 31/3 situated at Blichhi (East-West) Revenue Village in petitioner's name, after cancelling the patta standing in the name of Nagaraj, S/o.Venkitan and Subramani, S/o.Venkitan.

2. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

3. The case of the petitioner is that the petitioner is in possession of the aforesaid properties for more than seven decades and the said properties have been categorised as "Tharису". The grievance of the petitioner is that he is cultivating in the said lands, however, without the knowledge of the



W.P.No.25656 of 2022

petitioner, out of the said survey numbers, conditional assignment for S.F.Nos.31/2 and 31/3 were given to the private respondents, namely Santhamani and Subramani, who belongs to Scheduled Caste Community. On the basis of assignment order, the Revenue authorities issued Patta, vide Patta Nos.1766 & 1822 for S.F.Nos.31/2 and 31/3 respectively on 20.11.1999. After a lapse of several years, the petitioner made a detailed representation dated 17.02.2021 before the second and third respondents, seeking cancellation of conditional patta issued in favour of private respondents and to grant patta in favour of the petitioner. However, the said representation has evoked no response from the second and third respondents. Thereafter, the petitioner filed a Writ Petition in W.P.No.10889 of 2021 before this Court, and this Court, by an order dated 29.04.2021, disposed of the said Writ Petition, with a direction to the first respondent to consider the petitioner's representation dated 17.02.2021 and to pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of the order. Pursuant to which, the present impugned order is passed, refusing to cancel the conditional Patta granted in favour of the Depressed Class people, thereby, petitioner's request to assign the aforesaid lands in favour of the petitioner was rejected. Challenging the same, the petitioner had filed the present Writ Petition.



W.P.No.25656 of 2022

WEB COPY

4. The learned counsel for the petitioner submitted that the petitioner is in possession and enjoyment of the said properties for more than seven decades and obtained B-Memo from the year 1985 onwards. However, inadvertently, the assignment was granted in favour of the Depressed Class people, which is not sustainable. Further, he contented that the Depressed Class people are not at all residing in the aforesaid lands and they are not cultivating in the said lands from the date of assignment order to till date. The petitioner is doing cultivation activities for the said lands for more than seven decades and the same was not considered by the first respondent and the petitioner's representation was mechanically rejected, which is not sustainable. Accordingly, he prayed for passing appropriate orders.

5. Heard the arguments advanced on either side and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the disputed lands are classified as "Government assessed waste" and it is also equally not in dispute, that the lands in Survey Numbers 31/2 and 31/3 were assigned in favour of the private respondents in the year 1999, whereas, the



W.P.No.25656 of 2022

petitioner claim that he is cultivating in the aforesaid survey numbers for more than seven decades, thereby, the petitioner made a representation before the second and third respondents for cancellation of the assignment granted in favour of the private respondents and to grant patta in his favour. The fact remains that, the petitioner made a representation in the year 2021, however, the aforesaid lands were assigned in favour of the private respondents in the year 1999 itself and there is no allegations are made in respect of the private respondents. The learned counsel for the petitioner submitted that the private respondents violated the conditions in the assignment order and it is equally not in dispute and that the official respondents have not taken any action against the private respondents with regard to violation of the assignment order. Though the petitioner claims that he is cultivating in the aforesaid survey numbers for more than seven decades, except B-Memo and Adangal records, no other documents had been produced before this Court to establish that the petitioner is in possession and enjoyment of the aforesaid properties. However, the Adangal and B-Memo are self-created documents, which will not confer any right to the petitioner and even B-Memo is recorded by the official respondents in respect of objectionable occupation of the petitioner, in which, the petitioner is not entitled to any right over the properties. Further, the statutory period expired in the year 2020 itself and after limitation period,



W.P.No.25656 of 2022

the petitioner made application/representation for cancellation of the assignment order issued in favour of the private respondents. Hence, this Court cannot interfere with the order under challenge in this Writ Petition and the prayer sought for in this Writ Petition cannot be granted.

7. With the aforesaid reasons, this Writ Petition is dismissed. No costs.

26.09.2022

Index : Yes / No
Speaking order: Yes/ No
jd

To

- 1.The District Revenue Officer,
Coimbatore District,
Coimbatore – 641 018.
- 2.The Revenue Divisional Officer,
Coimbatore (North),
Coimbatore – 641 018.
- 3.The Tahsildar,
Coimbatore (North),
Coimbatore – 641 018.



WEB COPY



W.P.No.25656 of 2022

M.DHANDAPANI, J.

jd

W.P.No.25656 of 2022

26.09.2022