



WEB COPY



W.P.No.25425 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25425 of 2022

and

W.M.P.No.24408 of 2022

Valliyammal.K (deceased)

1.K.Marimuthu

2.Jayalakshmi

3.Murugesan

4.Vijayalakshmi

5.Pachiyammal

... Petitioners

Vs.

1.The District Collector,
Collectorate, Salem.

2.The Revenue Divisional Officer,
Collectorate,
Salem.

3.The Tahsildar,
Vazhaipadi Taluk,
Salem District.

... 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 from the file of the 2nd respondent made in Na.Ka.No.2383/2021/A1 dated 28.10.2021 and quash the same and further direct the respondents 1 and 2 to issue patta to the entire extent in sub divided S.F.No.112/1 in Pudupalayam



W.P.No.25425 of 2022

Village, Vazhaipadi Taluk, Salem District in favour of the petitioner.

For Petitioners : Mr.Su.Srinivasan

For Respondents : Mr.T.K.Saravanan,
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records from the file of the 2nd respondent made in Na.Ka.No.2383/2021/A1 dated 28.10.2021 and quash the same and further direct the respondents 1 and 2 to issue patta to the entire extent in sub divided S.F.No.112/1 in Pudupalayam Village, Vazhaipadi Taluk, Salem District in favour of the petitioner.

2. The case of the petitioner is that the petitioner's father, namely Krishnan Achari was in possession and occupation of the agricultural lands in S.F.No.112/1 totally to an extent of about 3 acres in Pudupalayam Village, Vazhapadi Taluk, Salem District for more than 40 years. The aforesaid land was classified as "Kallankuzhi Poramboke" in the Revenue Records. It is stated that the erstwhile Government had implemented a scheme for landless poor rural people by allotting 2 acres of land for doing agricultural activities. Further, the third respondent issued patta in the name of petitioners' mother, namely Valliyammal on 16.09.2006. However, the patta was issued only to



W.P.No.25425 of 2022

an extent of 0.29.5 hectares in the name of petitioners' mother and the remaining extent of S.F.No.112/1 appeared to have been given to someone else. Subsequently, the second respondent issued show cause notice dated 01.02.2008, as if the petitioners' mother is not cultivating in the aforesaid land. Challenging the said show cause notice, the petitioners' mother filed a Writ Petition before this Court in W.P.No.5355 of 2008 and the same was partly allowed on 29.06.2008 by quashing the order of the second respondent dated 01.02.2008, and thereby, remanding the matter back to the authorities for conducting enquiry and for passing appropriate order within a period of one month from the date of receipt of a copy of the order. However, the said order was not implemented, on the ground that the petitioners' mother passed away and no assignment can be granted in favour of the dead person. Challenging the same, the petitioner filed the present Writ Petition.

3. The learned counsel for the petitioner would submit that this Court, may permit the petitioners to file a fresh application before the second respondent and thereafter the second respondent may pass appropriate orders within a stipulated time frame that has to be fixed by this Court.

4. Heard the learned counsel for the petitioner as well as the



W.P.No.25425 of 2022

learned Government Advocate appearing for the respondents and perused the materials available on record.

5. Considering the aforesaid facts and circumstances of the case, the petitioners' mother passed away and no assignment can be granted in favour of dead person, this Court is not inclined to interfere with the order under challenge in this Writ Petition. However, this Court permits the petitioners to file a fresh application before the second respondent within a period of two weeks from the date of receipt of a copy of this order. If the petitioners are eligible for grant of assignment in continuance of their mother's application, the second respondent is directed to pass appropriate orders within a period of twelve weeks thereafter.

6. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

22.09.2022

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



W.P.No.25425 of 2022

To
WEB COPY

- 1.The District Collector,
Collectorate, Salem.
- 2.The Revenue Divisional Officer,
Collectorate,
Salem.
- 3.The Tahsildar,
Vazhaipadi Taluk,
Salem District.



WEB COPY



W.P.No.25425 of 2022

M.DHANDAPANI, J.,

jd

W.P.No.25425 of 2022
and
W.M.P.No.24408 of 2022
(1/3)

22.09.2022