



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.28798 OF 2019

N.Gurusamy

... Petitioner

.Vs.

1. The District Revenue Officer,
Salem District,
Salem.
2. The Revenue Divisional Officer,
Athur Division,
Athur, Salem District.
3. The Tahsildar,
Ganagavalli Taluk,
Gangavalli,
Salem District.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the District Revenue Officer, 1st respondent herein to restore patta, chitta and adangal in favour of the writ petitioner in respect of the land in Survey No.5/19, 5/20 and 27/17, Vivekanandapuram, East Rajapalayam Post, Gangavalli Taluk, Salem District.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, to direct the District Revenue Officer, 1st respondent herein to restore patta, chitta and adangal in favour of the petitioner in respect of the land comprised in Survey Nos.5/19,



5/20 and 27/17, situated at Vivekanandapuram, East Rajapalayam Post, Gangavalli Taluk, Salem District.

2. The case of the petitioner is that the land comprised in Survey Nos.5 and 27 situated at East Rajapalayam Village, Attur Taluk, now Gangavalli Taluk, Salem District, were set apart for allotment to the land colonization society formed by the Anna Porters Association, Attur for agricultural purposes by the Government. Accordingly, the classification of the land was ordered to be changed by the then District Revenue Officer as poramboke to assessed waste dry and assignments were granted to the members of the society. Accordingly, the assignments were granted in the year 1980 in respect of the land comprised in Survey Nos.5/19, 5/20, 27/17 to an extent of 4.20 acres in favour of the petitioner's vendor by the respondents for agricultural purpose. It was made on condition that it shall not be sold for a period of ten years. After a long time from its assignment, the said land was sold out in favour of the petitioner. After purchase of the said land, the petitioner had been continuing the cultivation and the land is put to use only for agricultural purposes.

3. While being so, on the complaint lodged by the private person as if assignment conditions were violated, the 1st respondent cancelled the assignment stood in the name of the petitioner's vendors without even issuing notice to them. Subsequently, the 3rd respondent removed the entries made in the Patta, Chitta and Adangal. Therefore, the petitioner and others have filed Writ Petitions challenging the cancellation of assignments in W.P. No.18165 of 2013 etc., batch in respect of the property purchased by them. This Court by an order dated 16.04.2018 allowed the writ petitions and thereby quashing the impugned cancellation of assignments issued by the 1st respondent herein.

4. Pursuant to the aforesaid order passed by this Court, the petitioner has made a representation dated 14.06.2018 to restore the Patta, Chitta and Adangal in the name of the petitioner. However, the respondents did not consider the same for the reason that this Court only set aside the cancellation of assignments and there is no direction to restore the Patta and other revenue records in favour of the Petitioner.

5. In fact, as against the order passed in the aforesaid batch of writ petitions, the person who lodged complaint to seek cancellation of assignments filed W.A.Nos.1995 of 2021 etc., batch before this Court. The Hon'ble Division Bench of this Court by the judgement dated 15.11.2021 dismissed all the writ appeals and observed that the unsuccessful litigant before the Civil Court cannot be encouraged by this Court in writ



jurisdiction, more particularly, in public interest litigation. Even then, the 1st respondent did not restore the revenue records in favour of the petitioner.

6. In view of the above, the 1st respondent is directed to mutate the revenue records in favour of the petitioner in respect of the subject land, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
Salem District,
Salem.
2. The Revenue Divisional Officer,
Athur Division,
Athur, Salem District.
3. The Tahsildar,
Ganagavalli Taluk,
Gangavalli,
Salem District.

+1cc to Mr.A.V.Arun, Advocate, S.R.No.6329
+1cc to the Government Pleader, S.R.No.6852

W.P.NO.28798 OF 2019

MT (CO)
PBS/21/03/2022