



W.P.No.19387 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.19387 of 2017
and
W.M.P.No.20896 of 2017

Bhuvaneshwari

...Petitioner

Vs.

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Udumalpet, Tiruppur District.
3. The Tahsildar,
Udumalpet, Tiruppur District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the proceedings in Na.Ka.No.2432/2016/A1, dated 10.11.2016 passed by the 2nd Respondent and quash the same and consequently direct the 3rd Respondent to restore the patta No.807/1423 in favour of petitioner.

For Petitioner : Mr.Gopalakrishnan
for Mr.S.Gunalan



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For Respondents : Mr.Yogesh Kannadasan, Spl.GP

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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in respect of the proceedings Na.Ka.No.2432/2016/A1, dated 10.11.2016, quash the same and to consequently direct the 3rd Respondent to restore the patta No.807/1423 in favour of petitioner.

2. The case of the petitioner is that she is one of the beneficiaries, who were issued HSD patta in S.F.No.140/125, for an extent of 80 sq.mtr., in Venasapatti Village, Tiruppur District, as per the order of the 3rd respondent dated 10.12.2013 in Ref.No.26816/2013/A4, based on the resolution passed by the President of Ganapathipalayam Panchayat in Resolution No.294 dated 04.12.2013 and pursuant to the said allotment, the petitioner had put up a superstructure in the said land and she is in absolute possession and enjoyment of the same. Whiles, on receipt of a complaint dated 14.09.2015 seeking cancellation of free patta issued in favour of the petitioner, the 1st respondent forwarded the same to the 2nd respondent, to



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conduct enquiry and the 2nd respondent, after receipt of the report from the 3rd respondent, has passed the present order under challenge, vide proceedings Na.Ka.No.2432/2016/A1 dated 10.11.2016, cancelling the HSD patta issued in favour of the petitioner. Hence, challenging the same, the present Writ petition is filed.

3. Learned counsel for the petitioner submitted that once the Grama Sabha of the village and the President, Ganapathipalayam Panchayat and the 3rd respondent decided to settle the dry land to 8 landless poor people, they passed a resolution to that effect and the petitioner being one of the beneficiary, she was issued with HSD patta in her favour, after ascertaining her economic status. Whiles, based on the complaint dated 14.09.2015, the 2nd respondent has mechanically passed the present order under challenge, cancelling the free patta issued in favour of the petitioner without following due process of law, merely based on the report filed by the 3rd respondent, which was filed without conducting an enquiry and without affording an opportunity of personal hearing to the petitioner, which is not sustainable. Hence, he prayed for appropriate orders.



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4. Learned Special Government Pleader appearing on behalf of the respondents submitted that, the petitioner along with 7 other persons were issued HSD patta in S.F.No.140/125, vide order of the 3rd respondent dated 10.12.2013 in Ref.No.26816/2013/A4. Later, on receipt of the complaint given to the 1st respondent, it was found that the petitioner has obtained the said HSD patta by giving false statement regarding her financial status and by suppressing the fact that her husband has a land in his name in Pukkulam Village and another joint property in his name. Accordingly, after verifying the entire facts, the present impugned order was passed to cancel the free patta issued in favour of the petitioner, as the main purpose for this allotment is to increase the standard of living of the poor landless people who are below the poverty line, however, it is not so in the case of the petitioner, whileso, challenging the order passed by the 2nd respondent, stating the same as illegal and non-est in law is not sustainable. Hence, he prayed for dismissal of this Writ petition.

5. Heard learned counsel on either side and perused the materials available on record.



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6. Admittedly, based on the resolution passed by the Grama Sabha of the village and the President, Ganapathipalayam Panchayat, free HSD pattas were decided to be issued to eight beneficiaries and petitioner being one among the eight beneficiaries, she was issued with HSD patta in Patta No.807/1423 for land comprised in S.No.140/125, to an extent of 80 sq.mtr., vide order of the 3rd respondent dated 10.12.2013. Whiles, based on the complaint received, seeking to inquire with regard to the genuineness of the beneficiaries, it was found that the petitioner's husband own a land in Pukkulam village and another joint property in the present village, accordingly, the 2nd respondent has passed the present impugned order, cancelling the free HSD patta issued in favour of the petitioner and another person, since the main purpose of issuing HSD patta is to improve the economic status of the poor landless people and even as per the Revenue Standing Order, HSD patta will only be issued infavour of the landless poor people. Whiles, the report of the 3rd respondent reveals that the petitioner is not a landless poor and her husband owns two different lands in his name. Such being the case and the said fact not being controverted, this Court is of the view that, the 2nd respondent has rightly cancelled the free patta issued in favour of the petitioner and the same cannot be interfered with. However,



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it is to be pointed out that, this Court has not expressed any of its opinion with regard to the cancellation of free patta issued in favour one Kamalaveni, vide the present impugned order.

7. For the reasons aforesaid, this Writ petition is dismissed. No costs.

Consequently, connected Miscellaneous petition is closed.

28.06.2022

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Speaking Order : Yes/ No

Index : Yes/ No

To

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Revenue Divisional Office,
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