



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**W.P(MD)No.11243 of 2011**

**and**

**M.P(MD)Nos.2 and 3 of 2011 and**

**W.M.P(MD)No.9072 of 2016**

M.Jakkammal

... Petitioner

Vs

1.The District Collector,  
Dindigul District,  
Dindigul.

2.The District Revenue Officer,  
Dindigul District,  
Dindigul.

3.The Special Tahsildar,  
District Adi Dravidar Welfare Office (Unit-2),  
Dindigul District, Dindigul.

4.M.Shanthi

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, to call for the records pertaining impugned order in Na.K.No.19732/2010/H2, dated 26.11.2010 on the file of the respondent No.2 and quash the same as illegal and consequently cancel the patta in favour of the respondent No.4 granted for Plot No.5 in survey No.191 at Pudhu Colony, Lakkiyan Kottai Village, Ottanchatram Taluk, Dindigul District or provide alternative place to the petitioner in the same village.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.G.Suriyanath,  
Nos.1 to 3 Additional Government Pleader

For Respondent : Mr.H.Lakshmi Shankar  
No.4



**ORDER**

This writ petition is filed as against the cancellation of patta granted to the petitioner by the District Revenue Officer, Dindigul by order dated 26.11.2010.

2.The learned Counsel for the petitioner submits that the petitioner belongs to a Scheduled Caste Community and also belongs to economically and socially weaker section. In the year 2000 - 2001, respondent No.3 has provided free house sites to 160 Adi Dravidars to an extent of each 3 cents in Lakkaiyankottai Village, Ottanchathram Taluk, Dindigul Taluk, Dindigul District in Survey Nos.190, 191, and 192. The petitioner has got patta vide proceedings in Na.Ka.No.1930/95/A in Plot No.5 in Survey No.191. The petitioner has constructed thatched house and resided thereon. But in the year 2005, due to financial crisis he has migrated Tiruppur for livelihood. When he returned, he came to know that the patta granted in favour of the petitioner was cancelled and the same was transferred in favour of respondent No.4. Subsequently, he has taken several steps but all went in vain. Therefore, the petitioner is before this Court challenging the cancellation of patta granted to her.

3.The learned Counsel for the fourth respondent submits that the petitioner was assigned with free house site patta in Plot No.5 in Survey No.191 in Laakaiyankottai Village, Dindigul District.

4.The learned Additional Government Pleader appearing for the State submits that in the year 2000-2001 around 160 free house sites were provided to the economically and socially weaker sections. The petitioner was granted patta on 20.12.2000. Since some of the beneficiaries have not used the free house sites and some of them have sold the land, the patta granted in favour 22 beneficiaries including the petitioner were cancelled for having violated condition Nos.2, 10 and 17 of the patta, that the beneficiaries should not sell the land to any one within thirty years without prior permission of the Revenue Divisional Officer. However, the petitioner has sold the land allotted to her, to one Vellaiammal by registered sale deed dated 16.07.2009. Therefore, the impugned order came to be passed.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.The subject property was allotted to the petitioner, since she belongs to Scheduled caste and also economically and socially weaker section, in the year 2000 and patta was also granted to her on 20.12.2000. The patta was granted with several conditions, one among them is that the land should not be alienated within thirty



years without prior permission of the Revenue Divisional Officer. However, several other persons, including the petitioner have violated the conditions stipulated therein. The petitioner sold the land to one Vellaiyammal vide sale deed dated 16.07.2009 in document No.2356 of 2009 on the file of the Sub Registrar, Oddanchathiram. However, the petitioner has not whispered about this fact in her writ petition. But simply challenged the order that the patta was cancelled without valid reason and without affording opportunity to her.

7.The petitioner having sold the free house site allotted to her to a third party, violating the condition stipulated therein, has no locus to question the impugned order. Therefore, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions stand dismissed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

To

1.The District Collector,  
Dindigul District,  
Dindigul.

2.The District Revenue Officer,  
Dindigul District,  
Dindigul.

3.The Special Tahsildar,  
District Adi Dravidar Welfare Office (Unit-2),  
Dindigul District, Dindigul.

+1 CC to M/s.H. LAKSHMI SHANKAR, Advocate ( SR-20792[F] dated 25/04/2022 )

+1 CC to M/s.SPL.GP ( SR-21033[F] dated 25/04/2022 )

**W.P(MD)No.11243 of 2011  
22.04.2022**

nsn(CO)

TR(30.05.2022) 3P 6C