



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2022

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.13532 of 2012

M.P. (MD) Nos.2 of 2012 and 1 of 2013

1.Sasikala

2.Kanagavalli

(*) 3.Manickavalli .

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

3.P.Ravichandran,
The President,
Thiruvudayarpatti Panchayat Union,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 1st respondent in his proceedings in Pa.Mu.A3-3603-2012, dated 24.07.2012 and received on 03.09.2012 and to quash the same as illegal and consequently, to direct the respondents to issue Natham Patta in favour of the petitioners in respect of the lands to an extent of 0.00.90, 0.00.84 and 0.00.85 sq. meters/Hectares in their occupation in Survey Nos.134/21, 134/26 and 134/25 Thiruvudayarpatti Village, Sivagangai District.

For Petitioners : Mr.M.Mahaboob Athiff
For R1 & R2 : Mr.D.Sasi Kumar
Additional Government Pleader
For R3 : Mr.D.Gnanasekaran

O R D E R

The present petition is filed challenging the order passed by the first respondent herein under which the order of assignment granted in favour of the writ petitioners was cancelled.



2.The learned Counsel for the petitioners submitted an order of assignment was granted in favour of the petitioners on 03.05.2012 for various extent of property in survey number 134/24, 134/26 and 134/25 in Thiruvudaiyarpatti village, Sivagangai District. The learned Counsel for the petitioners submitted that the land in dispute is Natham land which is not vested with the government and as occupier of Natham land were granted assignment.

3.The learned Counsel for the petitioners further submitted that the order of assignment was objected to by the 3rd respondent herein and some of the villagers. Thereafter, the present impugned order has been passed by the first respondent herein on 24.7.2012 without any notice or enquiry. The said order is under challenge in the present Writ Petition.

4.A perusal of the typed set of papers indicates that all the 3 petitioners were granted an order of assignment on 03.05.2012. The impugned order has been passed after two months on 24.07.2012, cancelling the said order of assignment on the ground of objection raised by the Panchayat President and some other villagers. Admittedly, no notice has been issued to the writ petitioners before cancelling the said order of a assignment.

5.The impugned order has been passed in violation of principles of natural justice. The impugned order is set aside. However, if the authorities feel that the land is required for any public purpose, they can approach the Government for appropriate relief.

6.With the above said observation, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

(*)Corrected as per the order of this Court dated 02/08/2022 made in W.P. (MD) .No.13532 of 2012

Sd/-

Assistant Registrar (AS)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Tmg

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for

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official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

(*) To be substituted to the order already despatched on 15/07/2022

1.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

+1 CC to M/s.D. GNANASEKARAN, Advocate SR-35453[F] dated 02/08/2022)

+1 CC to M/s.SPL.GP (SR-29847[F] dated 05/07/2022)

+1 CC to M/s.M. MAHABOOB ATHIFF, Advocate (SR-29948[F] dated 05/07/2022)

Order made in
W.P. (MD) .No.13532 of 2012
04.07.2022

= SS/13/07/2022/ 3P 6C
RD(25/08/2022) 3P 6C