



W.P.(MD).No.16825 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.16825 of 2013

and

M.P.(MD)No.2 of 2013

K.Packiam

... Petitioner

Vs.

1.The Commissioner,
Most Backward Class and Denotified
Community Department,
Chepauk, Chennai.

2.The District Collector,
Trichy, Trichy District.

3.The District Backward Class and
Minority Welfare Officer,
Collectorate Buildings,
Trichy, Trichy 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 respondent in his proceedings in Na.Ka.Pa3.18967/2011, dated 25.03.2013 and to quash the same as illegal and consequentially, to direct the respondent to issue patta to the petitioner in the housing plot



W.P.(MD).No.16825 of 2013

No.111 in Survey No.19 and 20 situated at Thayanur Village, Srirangam Taluk, Trichy District.

For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The present writ petition has been filed challenging the order passed by the third respondent herein under which the order of assignment in favour of the writ petitioner was cancelled.

2.According to the petitioner, he was granted an order of assignment by way of an order, dated 27.01.2012. Under the same order around 108 persons were granted an order of assignment. The third respondent has not measured and demarcated the plot of each one of the beneficiaries. Hence, the beneficiaries could not put up construction as per assignment orders. Hence, the petitioner has sent a representation on 22.06.2012, requesting for demarcation and identification of his plot. He has made another representation on 24.08.2012, for the same purpose. On 16.11.2012, the first respondent has also addressed a communication



W.P.(MD).No.16825 of 2013

to the petitioner that his representation has been forwarded for further action. However, on 25.03.2013, the third respondent has passed the impugned order cancelling the order of assignment on the ground that the original order of assignment for the same property has been granted on 04.07.1997 for a different set of beneficiaries. Without cancelling the order of assignment, the present order of assignment has been granted on 27.01.2012. As per the impugned order, the measurements could not be carried out and the boundaries could not be demarcated because of the fact that there is already an order of assignment in favour of different set of beneficiaries. Further, as per the impugned order, the land which has been assigned has a quarry. In view of the above said reasons, under the impugned order, the order of assignment has been cancelled.

3.The learned Counsel for the petitioner has submitted that the beneficiaries of the assignment order, dated 27.01.2012, are not at fault. Only due to the delay on the part of the third respondent in demarcating the boundaries, they could not put up construction within a period of five months. A representation has been sent for demarcation. Hence, there is



W.P.(MD).No.16825 of 2013

no fault on the part of the petitioner in not putting up any construction within a period of three years as contemplated in the order of assignment.

4.Per contra, the learned Counsel for the respondents has contended that the order has been passed only because of the reason that the petitioner has not put up the construction as per the condition in the order of assignment.

5.I have carefully considered the submissions made on the either side. Admittedly, there is an order of assignment, dated 04.07.1997, in favour of a different set of beneficiaries. Without cancelling the said order of assignment, the present order of assignment has been issued in favour of the petitioner and others on 27.01.2012. For the above said sole reason, the impugned order has to be sustained.

6.However, the petitioners are at liberty to make a fresh representation to the third respondent herein for assignment of land and on receipt of the said application, the third respondent is directed to



W.P.(MD).No.16825 of 2013

consider the same within a period of eight weeks from the date of receipt
of a copy of this order.

7. With the above said observation, the writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

03.08.2022

Index : Yes / No
Internet : Yes / No

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To

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W.P.(MD).No.16825 of 2013

R.VIJAYAKUMAR ,J.

Tmg

Note :

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

Order made in
W.P.(MD).No.16825 of 2013

03.08.2022