



W.P(MD)No.3394 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3394 of 2017

and

W.M.P.(MD)No.2762 of 2017

A.Jayamari

... Petitioner

Vs.

1.The District Adi Dravidar and Tribal Welfare Officer,
Ramanad District,
Ramanad.

2.The Special Tahsildar (ADW),
Paramakudi,
Ramanad District.

3.A.Indiragandhi

4.Malaichamy

... Respondents

*(R4 is impleaded vide order dated 09.06.2022
in W.M.P.(MD)No.6696 of 2017 in
W.P.(MD)No.3394 of 2017 by GRSJ)*

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 on the file of the 2nd respondent in connection with the impugned order passed by her in proceedings Na.Ka.A/282/15 dated 25.05.2016 regarding finalization of beneficiaries list by cancelling the patta issued to the petitioner



W.P(MD)No.3394 of 2017

by the 2nd respondent on 21.05.2015 and quash the same as illegal, ultra vires and consequently direct the respondents to restore the patta granted in her favour in respect of house site No.20 to an extent of 3 cents comprised in Survey No.135/3B at Kattu Paramakudi Village, Paramakudi Taluk, Ramanthapuram District within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.S.Vaigunth

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.
Mr.M.S.Sureshkumar for R3
Mr.M.Saravanan for R4

ORDER

Heard the learned counsel on either side.

2.The assignment order dated 25.09.1997 was issued in favour of the writ petitioner. The condition was that the petitioner must put up a residential construction within one year. Since the said condition was not fulfilled, the assignment order came to be cancelled on 11.05.2015. In fact along with the writ petitioner, similar cancellation orders were passed in a number of cases. The entire issue was revisited. The petitioner managed to obtain a fresh order of assignment. Even thereafter, since the authorities came to know that she was attempting to alienate the assigned land, there was an order of second



W.P(MD)No.3394 of 2017

cancellation in her case. The second cancellation was made on 20.04.2016.

Thereafter, the impugned list of beneficiaries was finalized. The stand of the respondents is that without questioning the order of cancellation made on 20.04.2016, there cannot be challenge to the impugned list of beneficiaries.

3.I find considerable force in the said objection raised by the learned counsel for the respondents. From the typed set of papers, I am able to note that assignment made in favour of the writ petitioner was cancelled on 20.04.2016. When there is no challenge to the said order, there cannot be a challenge to the consequential action taken by the authorities. The writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2022

Index : Yes / No
Internet : Yes/ No
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To:

- 1.The District Adi Dravidar and Tribal Welfare Officer,
Ramanad District,
Ramanad.
- 2.The Special Tahsildar (ADW),
Paramakudi, Ramanad District.



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W.P(MD)No.3394 of 2017

G.R.SWAMINATHAN, J.

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W.P(MD)No.3394 of 2017

**07.07.2022
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