



W.P.(MD)No.1661 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1661 of 2017

and

W.M.P.(MD)Nos.1362 & 1363 of 2017

R.Pandi

... Petitioner

Vs.

1.The District Revenue Officer,
O/o.District Revenue Officer,
Ramanathapuram,
Ramanathapuram District.

2.The Sub Collector,
O/o.Sub Collector,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
O/o.Sub Collector,
Paramakudi,
Ramanathapuram District.

4.A.Karuppiah

5.S.Jeyaraj

... Respondents

(R4 & R5 are impleaded vide order dated 08.02.2017 in
W.M.P.(MD)No.1654 of 2017)



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in P.மு(பி5)7963/2015 dated 22.12.2016 passed by the first respondent by confirming the order in P.மு(அ35)3933/2013 dated 12.01.2015 passed by the second respondent and to quash the same as illegal and consequently, directing the third respondent to restore patta in the name of the petitioner pertaining to Survey No.680/1 in Aathiyenthal Village, Kamuthakudi Group of Kamuthakudi Panchayat in Paramakudi Taluk of Ramanathapuram District.

For Petitioner : Mr.R.Pandi Maharaja
For R1 to R3 : Mr.M.Prakash
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The 3rd respondent passed an order dated 14.03.2006 in favour of the petitioner assigning two cents of land in Aadhiyenthal village. The said assignment order has been cancelled by the impugned order dated 12.01.2015. Questioning the same, the petitioner filed an appeal before the District Revenue Officer. The District Revenue Officer, by the impugned order dated 22.12.2016 dismissed the petitioner's appeal. Challenging the same, this writ petition came to be filed.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned orders and allow the writ petition.

4. Per contra, the learned Additional Government Pleader appearing for R1 to R3 submitted that the impugned orders are well reasoned and that no interference is called for. His pointed contention is that the petitioner did not fulfil the condition subject to which the assignment was made. He also argued that the petitioner is having an independent piece of land. His primary contention is that the petitioner is not residing in the assigned place. He called for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. On the last occasion, I directed the revenue officials to photograph the assigned spot and produce it before me. Today, the



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photographs have been produced. It is seen therefrom that in the assigned spot, a tin roof structure had been put up. It is fairly admitted by the Village Administrative Officer before me that the father of the writ petitioner Thiru.Raman is residing in the said premises. As per the assignment condition, the petitioner must put up either a tiled house or a thatched house. It does not mean that the tin roof structure will fall outside the assignment terms. The object for which the assignment was made is that the petitioner must reside in the assigned spot. Admittedly, the petitioner had raised a construction and he was residing there. It is true that at present, the petitioner is elsewhere. But the place has not been abandoned. The petitioner's father is residing there. The petitioner is now said to be in Erode to eke out his livelihood. What was assigned by the petitioner was a mere two cents of land. The petitioner belongs to SC community. For eking out his livelihood, he is presently elsewhere. This circumstance cannot be put against the petitioner. It is not the case of the respondents that the petitioner obtained assignment on misrepresentation.



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7. I am of the view that the order cancelling the assignment is clearly bad in law. It stands quashed. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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