



WEB COPY

WP No.16699 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.16699 of 2014

And

MP No.1 of 2014

Jayaprakash

... Petitioner

Vs.

1.The Tahsildar,
Villupuram Taluk,
Villupuram District.

2.The Revenue Divisional Officer,
Villupuram Taluk,
Villupuram District.

3.The President,
Vadavambalam Panchayat,
Vadavambalam Village,
Villupuram Taluk,
Villupuram District.

4.The Block Development Officer,
Kandamangalam Panchayat Union,
Villupuram Taluk,
Villupuram District.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring that the cancellation of patta of the petitioner in Villupuram District and Taluk, Vadavambalam Village in RS No.417/8-Extent 00095 ares. By the Revenue Divisional Officer, Villupuram, the second respondent herein on 25.01.2013 without notice to the petitioner as invalid and that petitioner is entitled for declaration, declaring that he is entitled for house sites as granted originally by the first respondent.

For Petitioner : Mr.B.Manimaran

For Respondents-1 and 2: Mr.T.Arunkumar,
Additional Government Pleader.

ORDER

The present writ petition has been instituted to declare that the cancellation of patta granted in favour of the petitioner as invalid.

2. The learned counsel for the petitioner submitted an application under the Right to Information Act, 2002, seeking information about the reason for cancellation of patta. However, the reply of the second



respondent dated 15.05.2014 indicates that as per the agreement, the construction of the house must be completed within the stipulated period.

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3. The writ petitioner has not constructed the house and violated the conditions stipulated in the agreement. On an enquiry by the Village Administrative Officer (VAO), some of the persons are found to be from other places and they are not entitled for the benefit of the Scheme. In respect of few persons, they are already owning a land and considering all these aspects, the patta has been cancelled.

4. The patta was granted pursuant to the Scheme implemented by the Government. The Scheme was implemented based on certain terms and conditions imposed. The patta was cancelled on the ground that the petitioner has violated the terms and conditions and not constructed the house as per the undertaking given by him in the agreement. Moreover, the petitioner ought to have filed an appeal before the Appellate Authority against the cancellation of patta under the provisions of the Patta Pass Book Act, 1983.



5. The High Court cannot decide the disputed facts between the parties. The terms and conditions of agreement and its violations are conducted with reference to the documents and evidences on record and the petitioner has to file a fresh appeal before the Appellate Authority during the relevant point of time.

6. At this length of time, this Court cannot grant the relief as such sought for in the present writ petition. However, the petitioner is at liberty to approach the Appellate Authority for the purpose of redressing his grievances if any exists.

7. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

25-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The Tahsildar,
Villupuram Taluk,
Villupuram District.
2. The Revenue Divisional Officer,
Villupuram Taluk,
Villupuram District.
3. The President,
Vadavambalam Panchayat,
Vadavambalam Village,
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S.M.SUBRAMANIAM, J.

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