



WEB COPY

WP No.6646 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.6646 of 2017

And

WMP No.7153 of 2017

A.Muthusamy

... Petitioner

Vs.

1.The District Collector,
Perambalur District.

2.The Revenue Divisional Officer,
Perambalur.

3.The Tahsildar,
Kunnam Taluk,
Perambalur District.

4.The Village Administrative Officer,
Olaipadi Village,
Kunnam Taluk,
Perambalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the record of



proceedings of the first respondent dated 23.12.2016 (signed by the first respondent on 26.12.2016) bearing Na.Ka.Aa1/ 1146/2016, quash the same and to direct the respondents to mutate the revenue records i.e., Patta, Chitta, Adangal, A-Register etc., in the name of the petitioner for the land comprised in Survey No.7/19 measuring to an extent of 7-1/2 cents situated at Olaipadi Village, Kunnam Taluk, Perambalur District.

For Petitioner : Mr.R.Ragavendran

For Respondents : Mr.D.Ravichander,
Special Government Pleader.

ORDER

The order impugned passed by the first respondent dated 23.12.2016 (signed by the first respondent on 26.12.2016) cancelling the very assignment of patta granted to the petitioner, is under challenge in the present writ petition.

2. The Government land was assigned in favour of the petitioner under the Scheme of Assignment of Land to landless poor people.



It is conditional assignment granted in favour of the petitioner and the Authorities subsequently found that the petitioner was not in possession of the assigned land and some other third parties are in possession of the land assigned in favour of the petitioner at free of cost by the Government.

3. The Government assigned lands are to be enjoyed only by the Assignees and they have no power to alienate the same and such alienation if any found, the Authorities are bound to cancel the assignment itself.

4. The very purpose and object of the Welfare Scheme of granting the assignment of patta land by the Government to poor landless people is to ensure that the livelihood of the poor people are protected. Therefore, the patta land assigned by the Government is to be utilised for the purpose and the object for which it was assigned and any violation would lead to cancellation of assignment by the Competent Authorities.

5. The learned counsel for the petitioner mainly contended that no show cause notice or an opportunity was provided to the writ petitioner



before cancelling the assignment and therefore, the impugned order of the first respondent dated 23.12.2016 (signed by the first respondent on 26.12.2016) is in violation of the principles of natural justice.

6. The learned Special Government Pleader appearing on behalf of the respondents objected the said contentions raised on behalf of the petitioner by stating that the petitioner was very much aware of the initiation of the proceedings and he earlier filed writ petition in WP No.1016 of 2015 with the prayer not to cancel the assignment granted in his favour and the said writ petition was dismissed by this Court on 19.01.2015.

7. The present writ petition has been filed challenging the order passed by the first respondent-District Collector in proceedings dated 23.12.2016 (signed by the first respondent on 26.12.2016). Regarding the principles of natural justice, the counter filed by the first respondent-District Collector reveals that the writ petitioner had submitted representation before the District Collector for mutation of village accounts as he had assigned an extent of 0.03.0 Hectares of Olaipadi Village. The petition has been taken for hearing on 19.12.2016 and necessary notice has been sent to him. The



enquiry was conducted and the statement of the petitioner was recorded before the first respondent-District Collector. The writ petitioner himself deposed that he was having an extent of 4 acres of ancestral property.

8. When the petitioner himself deposed before the first respondent-District Collector that he owns an agricultural land to an extent of 4 acres, which is his ancestral property, the petitioner is not entitled for the very assignment of Government lands and considering all these factors, the District Collector cancelled the assignment granted in favour of the writ petitioner.

9. Thus the grounds raised by the petitioner that no enquiry has been conducted is incorrect and the District Collector conducted the enquiry by affording an opportunity to the writ petitioner and the petitioner himself deposed before the first respondent-District Collector that he owns 4 acres of agricultural land, which is his ancestral property.

10. This being factum, the petitioner has failed to establish any acceptable ground for the purpose of interfering with the order impugned



dated 23.12.2016 (signed by the first respondent on 26.12.2016) passed by the first respondent-District Collector.

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11. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

09-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM, J.

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