



W.P.No.31282 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31282 of 2023
and
W.M.P.No.30893 of 2023

Kasiyammal

... Petitioner

versus

- 1.The Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
- 2.The District Collector of Tiruvannamalai,
Collector Office,
Vengikal, Tiruvannamalai,
Tiruvannamalai District.
- 3.The District Revenue Officer,
Tiruvannamalai Taluk,
Tiruvannamalai District.
- 4.The Revenue Divisional Officer,
Tahsildar Office,
Tiruvannamalai Taluk,
Tiruvannamalai District.
- 5.The Tahsildar,
Kilpennathur Taluk,
Tiruvannamalai District.

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6.Arumugam

.... Respondents

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Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records and quash the order dated 30.08.2023 passed by the first respondent vide Proc.No.G2/2560750/2022 which cancelled petitioner's Assignment Patta for the property situated at Survey No.63/1 of an extent of 0.53.0 hectare situated at Vedanthavadi Village, Kilpennathur Taluk, Tiruvannamalai District.

For Petitioner : Mrs.S.Suseela Devi

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 to R5

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for respondents 1 to 5. Since no adverse order is passed as against the sixth respondent, notice to the 6th respondent is dispensed with.

2. This writ petition has been filed to quash the proceedings, vide Proc.No.G2/2560750/2022, dated 30.08.2023 passed by the first



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respondent, wherein and whereby, petitioner's Assignment Patta was cancelled for the property situated at Survey No.63/1 of an extent of 0.53.0 hectare situated at Vedanthavadi Village, Kilpennathur Taluk, Tiruvannamalai District.

3. The case of the petitioner is that the agricultural land situated at Vedanthavadi Village, Kilpennathur Taluk, Tiruvannamalai District in S.No.63/1, measuring an extent of 0.53.0 hectare, is a poramboke land. The petitioner is in possession and enjoyment of the subject property from the year 1986. The Assignment Patta vide D.K.No.33/1407, dated 27.11.1997 was also granted in favour of the petitioner. There is a family dispute between the petitioner and the sixth respondent, who is brother-in-law of the petitioner. Due to that enmity, the sixth respondent tried to create one cart track in the Patta land and hence, the petitioner filed O.S.No.478 of 2003 on the file of the Additional District Munsif Court, Tiruvannamalai for declaration of title and permanent injunction against the defendants and after enquiry, the suit was decreed in favour of the petitioner. Earlier, the sixth respondent has also filed a suit in O.S.No.164 of 1993 on the file of the



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District Munsif Court, Tiruvannamalai, which came to be dismissed and as against the said decree, he preferred an appeal and the same was dismissed.

Thereafter, the sixth respondent made false representations to respondents 2 to 4, only in order to grab the property. While so, the fourth respondent had sent a notice dated 27.02.2018 for enquiry and after enquiry, the fourth respondent cancelled the Assignment Patta through proceedings No.Aa.4/282/2018, dated 28.06.2018 and as against the said order, the petitioner preferred an appeal before the third respondent on 16.07.2018.

4. In the meanwhile, the petitioner filed a suit in O.S.No.21 of 2018 against the respondents 2 to 5 herein and the same is pending. Subsequently, the third respondent, by an order dated 16.11.2018, disposed of the appeal. Challenging the said order, the petitioner filed W.P.No.4570 of 2019 before this Court. This Court, by an order dated 29.10.2021, allowed the writ petition and directed the third respondent to dispose of the appeal afresh, after conducting detailed enquiry on both sides. Based on the directions, the third respondent conducted fresh enquiry and passed order on 12.04.2022 confirming the cancellation of the Patta standing in the name of the



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petitioner. Thereafter, the petitioner filed a revision before the first respondent. During the pendency of the above revision, respondents 3 to 5 herein forcefully removed the entire trees and saplings standing on the property and created a cart track, which was used by the sixth respondent. The first respondent, by impugned order dated 30.08.2023, confirmed the order of the third respondent dated 12.04.2022. Challenging the same, the petitioner is before this Court.

5. It is seen from the records and submissions made by the learned counsel on either side that a civil suit is pending. Whether the existing cart track available is the subject matter of evidence and the same cannot be decided in the writ petition. The third respondent cancelled the Assignment Patta on the ground that the petitioner already owned the land for the extent of 3.21.5 Hectares and that the subject property is a water course poromboke land and the same has to be evicted in order to safeguard such land and that the petitioner is not entitled to get Assignment Patta. This Court does not find any perversity in the impugned order passed by the first respondent.



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6. In view of the above, this writ petition is dismissed in-limine. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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