



WP(MD)No.1663 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.1663 of 2020

and

W.M.P.(MD)No.1400 of 2020

- 1.S.Veluchamy
- 2.M.Karuppuraja
- 3.K.Kala
- 4.P.Shanmugavalli
- 5.A.Muthu
- 6.M.Balan
- 7.M.Kaleeswaran
- 8.K.Murugesan
- 9.B.Devi
- 10.K.Baskaran
- 11.S.Kalaiarasan
- 12.M.Povalingam
- 13.M.Mangal Eswari
- 14.K.Oorkavalan
- 15.P.Murugavel

...Petitioners

/Vs./



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- 1.The District Collector,
O/o. Collectorate,
Ramnathapuram District,
Ramnathapuram.
- 2.The District Adi Dravidar and Tribal Welfare Officer,
O/o.The District Adi Dravidar and Tribal Welfare Office,
Collectorate Building, Ramnathapuram District,
Ramnathapuram.
- 3.The Special Thasildar (Adi Dravidar Welfare),
O/o.The Special Thasildar (Adi Dravidar Welfare) Office,
Paramakudi,
Ramanthapuram.

4.K.Kalidhass

...Respondents

(R4 is impleaded vide order of this Court dated 01.07.2022 in WMP(MD)No. 4461 of 2020.)

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the order of the respondent No.2 dated 13.09.2017 in Na.Ka.No.2/33504/20174 as illegal and the consequential order dated 04.07.2019 in O.Mu.No.A/368/2019 on the file of the respondent No.3 insofar as the petitioner concerned as illegal.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.K.S.Selvaganesan (R1 to R3)

Additional Government Pleader

Mr.A.Vadivel (R4)



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ORDER

This writ petition has been filed challenging the order passed by the second respondent in proceedings in Na.Ka.No.2/33504/20174, dated 13.09.2017 and the consequential order passed by the third respondent in proceedings in O.Mu.No.A/368/2019 dated 04.07.2019.

2. The case of the petitioners is that they are the beneficiaries, who were given assignment patta by the third respondent by imposing necessary conditions. The grievance of the petitioners is that the assignment is said to have been cancelled by the second respondent through impugned proceedings dated 13.09.2017 and as a result, consequential order came to be passed by the third respondent through proceedings dated 04.07.2019. According to the petitioners, the cancellation of the assignment patta was done behind the back of the petitioners and without affording them any opportunity. Hence, the present writ petition has been filed before this Court.

3. When the matter was taken up for hearing on 03.10.2023, this Court passed the following order:-

“The main ground that was urged by the learned counsel



for the petitioner is that the assignment that was made in favour of the petitioners was cancelled even without hearing the petitioners on notice. The learned Additional Government Pleader seeks for sometime to go through the files and ascertain, if any notice is issued to the petitioners before the cancellation of assignment. Post on 09.10.2023 'For Orders'."

4. When the matter was taken up for hearing today, the learned Additional Government Pleader appearing on behalf of the official respondents submitted that on going through the file, even though notices are available in the names of the petitioners, there is no proof that these notices were served on the petitioners before the impugned proceedings were issued.

5. In the present case, the petitioners were issued assignment pattas. In view of the same, a right has been created in favour of the petitioners and while withdrawing that right, the procedure will have to be necessarily followed, since it involves civil consequences to the petitioners.

6. From the submissions made by the learned Additional Government Pleader, it is clear that no notices were served on the petitioners before cancelling the assignment patta. In view of the same, this Court is inclined to interfere with the proceedings of the second and third respondents and remand



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the matter back to the file of the second respondent. Accordingly, the impugned proceedings of the second respondent in Na.Ka.No.2/33504/20174, dated 13.09.2017 and the consequential order passed by the third respondent in O.Mu.No.A/368/2019 dated 04.07.2019 are hereby quashed, insofar as the petitioners are concerned.

7. The matter is remanded back to the file of the second respondent and the second respondent is directed to issue notice on the petitioners and call for their explanation and thereafter take a decision on its own merits and in accordance with law. This process shall be completed by the second respondent within a period of four months from the date of receipt of a copy of this order.

8. This writ petition is allowed in the above terms. Insofar as the allotment that was made in favour of the impleaded fourth respondent, the same will be subject to the final decision taken by the second respondent pursuant to the remand. No costs. Consequently, connected miscellaneous petition is closed.

09.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No



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N.ANAND VENKATESH, J.

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TO:

- 1.The District Collector,
O/o. Collectorate,
Ramnathapuram District,
Ramnathapuram.
- 2.The District Adi Dravidar and Tribal Welfare Officer,
O/o.The District Adi Dravidar and Tribal Welfare Office,
Collectorate Building, Ramnathapuram District,
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- 3.The Special Thasildar (Adi Dravidar Welfare),
O/o.The Special Thasildar (Adi Dravidar Welfare) Office,
Paramakudi,
Ramanthapuram.

Order made in
W.P.(MD)No.1663 of 2020

Dated:
09.10.2023