



W.P.(MD) No.8523 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.8523 of 2020

and

W.M.P(MD) No.7901 of 2020

Mayil

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The District Revenue Officer,
Theni District,
Theni.

3.The Revenue Divisional Officer/Sub Collector,
Uthamapalaiyam,
Theni District.

4.The Tahsildar,
Uthamapalaiyam Taluk,
Uthamapalaiyam,
Theni District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents forbearing the respondents or his men or agent or anyone claiming under



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him in anyway interfering with the possession of the petitioner's property bearing S.No.321/11 measuring an extent of 81 ares situated at Pottipuram Village, Uthamapalaiyam Taluk, Theni District.

For Petitioner : Mr.M.Kaliraj

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking a mandamus forbearing the respondents, his men or agent from interfering with the possession of the petitioner's property bearing S.No.321/11 measuring an extent of 81 ares situated at Pottipuram Village, Uthamapalaiyam Taluk, Theni District.

2. It is the case of the petitioner that she was a landless poor and the fourth respondent had assigned patta in her favour in respect of the above property by his proceedings dated 18.12.2007. The revenue records were also mutated in her name in Patta No.3152. She has been



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in peaceful possession and enjoyment of the same without any interference whatsoever from any quarter and was carrying an agriculture activities. The petitioner would also submit that she had applied for an agricultural loan in the year 2018 and she was asked to produce the patta and adangal. When she had approached VAO, Pottipuram for obtaining adangal records, the VAO refused to issue adangal records and he had informed that assignment has been cancelled by the fourth respondent on 14.12.2011. Thereafter, the petitioner met the fourth respondent seeking reasons for the cancellation of the assignment and to issue a copy of the cancellation of assignment. But the same was not issued. Hence, the petitioner has come forward with the present writ petition.

3. Mr.D.Ghandiraj, learned Government Advocate appearing for the respondents was asked to produce the files relating to the cancellation and the same has been produced.

4. A perusal of the same would indicate that the respondent had been called for an enquiry, since it was found that though assignment was



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made in her favour, the property was being occupied by some others, contrary to the terms of the assignment. Therefore, the fourth respondent had initiated proceedings to cancel the assignment patta. The factum of the property being occupied by others is also admitted before the fourth respondent and thereafter the orders have been pronounced. The petitioner, who even in her affidavit has admitted that the patta had been cancelled on 14.12.2011, has not taken any steps to quash the said order, but has cleverly moved this writ petition. There is also a suppression on the part of the petitioner having appeared before the fourth respondent. These facts have been suppressed before this Court.

5. Be that as it may, considering the facts that assignment patta in favour of the petitioner has been cancelled and she has not taken any steps to set aside the same, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.04.2023

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



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P.T.ASHA, J.

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