



W.P(MD)No.9318 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9318 of 2023
and
W.M.P(MD)No.8353 & 8354 of 2023

M.Appadurai

... Petitioner

Vs.

1.The District Adi-Dravidar Welfare Officer,
Ramanathapuram,
Ramanathapuram District.

2.The Speical Tahsildar (Adi Dravidar Welfare),
Muthukulathur,
Ramanathapuram District.

3.The Tahsildar
Kadaladi Taluk,
Ramanathapuram.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records in respect of the Impugned Assignment Patta Cancellation Order vide



W.P(MD)No.9318 of 2023

Na.Ka.No.5/12791/2009 dated 23.05.2018 issued by the first respondent and quash the same as illegal and arbitrary.

For Petitioner : Mr.S.Bharathi Kannan

For Respondents : Mr.N.Muthu Vijayan,
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorari seeking records relating to the impugned assignment patta cancellation order in Na.Ka.No.5/12791/2009 dated 23.05.2018 issued by the first respondent / District Adi Dravidar Welfare Officer, Ramanathapuram District.

2. In the affidavit filed in support of the writ petition, it had been stated by the petitioner that the second respondent / Special Tahsildar (Adi Dravidar Welfare) Muthukulathur, Ramanathapuram District, had issued an assignment patta for totally 55 members in Survey Nos.19/7, 8 and 9 in Poolangulam Village, P.Keeranthai Group, Kadaladi



W.P(MD)No.9318 of 2023

Taluk, Ramanathapuram District, in the year 1999. The petitioner claimed that he had constructed a house and has been residing there in the year 2000. He has also applied for house tax receipts, but the village panchayat had not issued the house tax receipts. He could not therefore, get electricity connection. The third respondent had issued an eviction notice on 21.03.2023 and again on 03.04.2023 to remove the encroachment within seven days. The petitioner then came to know that the assignment patta had been cancelled by the impugned notice. Claiming that no prior notice was issued to him, the present writ petition has been filed.

3. The learned Special Government Pleader, on instructions, stated that earlier, a writ petition had been filed by V.Paripooranam in W.P.(MD)No.14432 of 2014 with respect to very same lands seeking a direction that patta issued illegally must be cancelled and patta must be issued only to eligible persons. A learned Single Judge of this Court, had observed as follows :

"5.Considering the fact that already enquiry has been initiated by the 3rd respondent, the 3rd



W.P(MD)No.9318 of 2023

respondent is directed to complete the enquiry and pass suitable orders on merits after issuing notice to all the persons interested within a period of 12 weeks from the date of receipt of a copy of this order."

4. The learned counsel for the petitioner stated that the learned Single Judge had directed that notice must be issued and then only an order can be passed by the first respondent.

5. The learned Special Government Pleader however produced records which shows that notice had been directed to the petitioner and the Village Administrative Officer had given a certificate that the petitioner had refused to receive the notice and therefore, a copy of the notice was affixed in the e-sewa centre in the village.

6. The petitioner should have received the notice and should have contested the claim. By refusing to receive notice, he does not advance his case. The respondents have acted only in accordance with the directions issued in the earlier W.P.(MD) No.14432 of 2014. It is the petitioner who has to be vigilant and now it is also seen that patta had



W.P(MD)No.9318 of 2023

been cancelled for violation of clauses 9 and 10 of the assignment order which indicated that additional construction should not be built in this land, and that only one house should be built. For violation of both the clauses by the petitioner, necessary action had been taken by the respondents. They had issued notice. The petitioner had refused to receive the notice. Then, the notice was affixed in the e-sewa centre. The petitioner had not taken care to appear for the enquiry. No further opportunity could be granted or envisaged to be granted by the respondents. The order is also of the year 2018 and now after five years, the petitioner has approached this Court. Unfortunately, the court cannot come to the rescue of the petitioner herein.

7. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

06.06.2023

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

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W.P(MD)No.9318 of 2023

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W.P(MD)No.9318 of 2023

C.V.KARTHIKEYAN, J.

RM

W.P(MD)No.9318 of 2023

06.06.2023