



W.P.(MD)No.16013 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.12.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16013 of 2020

and

W.M.P.(MD)No.13427 of 2020

Seeniammal

... Petitioner

vs.

- 1.The District Collector, Theni District, Theni.
- 2.The Sub Collector, Periyakulam, Theni District.
- 3.The Thasildar, Periyakulam Taluk, Theni District,
- 4.The District Registrar (Administration),
JC Office Complex, Madurai Road,
Periyakulam, Theni District.
- 5.The Joint Sub-Registrar No.II,
Registration Department,
Katcheri Road, Thenkarai,
Periyakulam, Theni District.
- 6.The Superintendent Engineer,
TANGEDCO, Theni, Theni District.
- 7.The Junior Engineer,
TANGEDCO, Jeyamangalam,
Periyakulam Taluk, Theni District.



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8.The Superintendent of Police,
Theni District, Theni.

9.The Deputy Superintendent of Police,
Periyakulam, Theni District.

10.The Inspector of Police,
Devathanapatti, Periyakulam Taluk,
Theni District.

11.M.Ravikumar

12.The Executive Director,
R & D Division,
NHP Office Complex,
Section 33,
Eceridabad - 121003, Hariyana State.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in her proceedings in Na.Ka.No.4317/2019/A3 dated 06.03.2020 and quash the same and consequently direct the 2nd respondent to restore the patta in the name of the petitioner and her son namely Veeran beside directing the 4th and 5th respondents to take immediate action for cancellation of the document and directing the respondents 6th and 7th not to effect the name transfer of electricity service connection in the name of the 11th respondent and directing the respondent no. 10 to 13 to take action against the 11th and 12th respondents based on the petitioner's representation, dated 22.10.2020 within the time frame as fixed by this Court.



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For Petitioner	:Mr.S.Atham Ali
For R1 to R5	:Ms.D.Farjana Ghoushia Special Government Pleader
For R6 and R7	:Mr.S.Deenadhayalan
For R8 to R10	:Mr.R.Sivakumar Government Advocate (Crl.side)
For R11	:Mr.K.Pragadeeshkumar
For R12	:Mr.N.S.Karthikeyan

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the second respondent in Na.Ka.No.4317/2019/A3 dated 06.03.2020, and for a consequential direction to the second respondent to restore patta in the names of the petitioner and her son and for a further direction to the fourth and fifth respondents to cancel the document that was executed in favor of the 11th and 12th respondents and also to transfer the electricity service connection in the name of the petitioner and her son.

2.Heard Mr.S.Atham Ali, learned Counsel appearing on behalf of the petitioner, Ms.D.Farjana Ghoushia, learned Special Government Pleader appearing on behalf of the respondents 1 to 5, Mr.S.Deenadhayalan, learned Counsel appearing on behalf of the



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respondents 5 and 6, Mr.R.Sivakumar, learned Government Advocate (Crl.side), appearing on behalf of the respondents 8 to 10, Mr.K.Pragadeeshkumar, learned Counsel appearing on behalf of the 10th respondent and Mr.N.S.Karthikeyan, learned Counsel appearing on behalf of the 11th respondent.

3.The subject matter of challenge in the present Writ Petition pertains to the proceedings of the second respondent dated 06.03.2020, wherein, the assignment that was granted in favour of the petitioner and her son granted in the year 2012 was cancelled on the ground that the petitioner and her son have violated the terms and conditions of assignment by alienating the property within a period of four years from the date of assignment. In view of the same, the second respondent came to a conclusion that there was violation of RSO 15(3).

4.The learned Counsel for the petitioner submitted that the petitioner and her son never attempted to alienate the property and they had only agreed to lease the property in favour of the private respondents. However, the private respondents taking advantage of the



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illiteracy of the petitioner and her son, hoodwinked the petitioner and her son and got a sale deed executed in their favour. The learned Counsel further submitted that steps have already been taken to cancel the sale deed by making an application before the District Registrar.

5.In the considered view of this Court, the document, that is available before this Court, is the sale deed that was executed on 04.01.2017 by the petitioner and her son. The circumstance, under which such a sale deed was executed, is irrelevant and what is relevant is that such a sale deed could not have been executed within a period of ten years from the date of assignment. In the instant case, the sale deed had been executed within a period of four years from the date of assignment. Therefore, the second respondent found such alienation to be illegal and in violation of the terms and conditions of assignment and accordingly, the assignment was cancelled.

6.The learned Special Government Pleader appearing on behalf of the official respondents submitted that pursuant to the above order, patta was also restored in the name of the Government and lands have been



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resumed.

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7.This Court does not find any illegality in the impugned order passed by the second respondent and the said order is perfectly in line with the terms and conditions of the assignment and RSO 15(3). Hence, this Court finds no merits in this Writ Petition and accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

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N.ANAND VENKATESH, J.

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