



W.P.(MD)No.16377 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16377 of 2020

and

W.M.P.(MD)No.13693 of 2020

T.Seeranammal

... Petitioner

vs.

1.The District Collector,  
Tiruchirapalli District,  
Collectorate Buildings,  
Cantonment, Tiruchirapalli – 620001.

2.The Tahsildar,  
Thuraiyur Taluk, Thsildar's Office,  
Thuraiyur Town, Trichy District.

3.The District Revenue Officer,  
Tiruchirappalli District,  
Collectorate Buildings,  
Cantonment, Tiruchirapalli – 620 001.

4.The Revenue Divisional Officer,  
Musiri Zone, The Office of Revenue Divisional Officer,  
Musiri Town, Tiruchirapalli District.

5.The Village Administrative Officer,  
Venkatachalapuram Village, Thuraiyur Taluk,  
Tiruchirappalli District.

... Respondents



W.P.(MD)No.16377 of 2020

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records relating to the impugned order passed by the 3<sup>rd</sup> respondent dated 14.10.2020 in proceedings in Na.Ka.Aa.2/29041/2009 and quash the same.

For Petitioner :Mr.K.S.Kathiravan

For Respondents :Mr.B.Saravanan  
Additional Government Pleader

\*\*\*\*\*

### **ORDER**

This Writ Petition has been filed challenging the impugned proceedings of the third respondent in Na.Ka.Aa.2/29041/2009 14.10.2020, wherein, the assignment that was given in favour of the petitioner was cancelled on the ground that the petitioner had not utilised the property for cultivation and the same is in violation of the terms and conditions of the assignment.

2.Heard Mr.K.S.Kathiravan, learned Counsel appearing on behalf of the petitioner and Mr.A.K.Manikkam, learned Special Government Pleader appearing on behalf of the respondents.



W.P.(MD)No.16377 of 2020

WEB COPY

3.The petitioner was allotted/assigned the subject land in S.No. 418/10 at Venkatachalapuram Village, Thuraiyur Taluk, Trichy District. This assignment was made in the year 2006. The terms of assignment makes it clear that the petitioner has to cultivate trees in the subject property.

4.Right from the beginning, the petitioner was not able to properly utilise her assignment land, since quarry operations were conducted in the adjacent land and the quarry waste and stone debris were spread over the land assigned in favour of the petitioner. The petitioner was making repeated complaints in this regard from the year 2007 onwards. Ultimately, the adjacent land owner agreed/undertook not to disturb the possession and enjoyment of the petitioner by throwing quarry waste and stone debris. In the meantime, the petitioner was not able to effectively cultivate the land.

5.The show cause notice was issued by the third respondent to appear for an enquiry by informing the petitioner that the assignment that



W.P.(MD)No.16377 of 2020

was allotted to her will be cancelled on the ground that the land has not been put to cultivation. The petitioner has given a detailed explanation for the show cause notice on 12.10.2020. The third respondent through the impugned proceedings dated 14.10.2020 rejected the explanation given by the petitioner and cancelled the assignment and directed the resumption of the land. The same has been put to challenge in the present Writ Petition.

6.The materials that have been placed before this Court as well as the reply that was given by the petitioner for the show cause notice clearly shows that right from the year 2007 onwards, the petitioner was not in a position to cultivate the land due to the quarry operation that was going on in the adjacent land and as a result, the quarry waste and the stone debris were thrown into the property, that was assigned to the petitioner. Under such circumstances, the petitioner was not able to properly utilise the land. The petitioner had also given complaint in this regard to the authorities and also to the police and after a prolonged struggle, the adjacent land owner undertook not to throw the quarry waste and stone debris into the land that was assigned to the petitioner.



W.P.(MD)No.16377 of 2020

During the interregnum period, the petitioner was not able to effectively utilise the land by cultivating the same.

7.The third respondent has not taken into consideration these materials facts and also proceeded to straightaway cancel the assignment given in favour of the petitioner on the ground that the land has not been cultivated by planting trees. If a situation is created, which prevents the petitioner from cultivating the land by the adjacent land owner, who is doing quarry operation, it should not be put against the petitioner and the same has to be taken into consideration while dealing with the explanation given by the petitioner. This Court does not find that the petitioner had wantonly failed to cultivate the lands that were assigned in her favour. There were valid reasons for the petitioner for not being able to cultivate the land. The same was not taken into consideration by the third respondent.



W.P.(MD)No.16377 of 2020

WEB COPY

8.In the light of the above discussion, the impugned proceedings in Na.Ka.Aa.2/29041/2009 14.10.2020, is hereby quashed and the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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

**01.12.2023**

cmr



W.P.(MD)No.16377 of 2020

To  
WEB COPY

1.The District Collector,  
Tiruchirapalli District,  
Collectorate Buildings,  
Cantonment, Tiruchirapalli – 620001.

2.The Tahsildar,  
Thuraiyur Taluk, Thsildar's Office,  
Thuraiyur Town, Trichy District.

3.The District Revenue Officer,  
Tiruchirappalli District,  
Collectorate Buildings,  
Cantonment, Tiruchirapalli – 620 001.

4.The Revenue Divisional Officer,  
Musiri Zone, The Office of Revenue Divisional Officer,  
Musiri Town, Tiruchirapalli District.

5.The Village Administrative Officer,  
Venkatachalapuram Village, Thuraiyur Taluk,  
Tiruchirappalli District.



WEB COPY



W.P.(MD)No.16377 of 2020

**N.ANAND VENKATESH, J.**

cmr

**W.P.(MD)No.16377 of 2020**

01.12.2023