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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.15163 of 2023

and

W.M.P.(MD)Nos.12773, 12775 and 12776 of 2023

M.Rakkammal

... Petitioner

vs.

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Usilampatti, Madurai District.

3.The District Adi Dravidar and Tribal Welfare Officer,
District Adhi Dravidar and Tribal Welfare Department,
Collectorate, Madurai.

4.The Tahsildar,
Peraiyur Taluk, Madurai District.

5.The Special Tahsildar (LA),
Adhi Dravidar and Tribal Welfare Department,
Usilampatti, Madurai District.

6.The Inspector of Police,
Elumalai Police Station,
Elumalai, Madurai District.



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6.Ramasamy
7.Karuppiyah Selvam
8.Vimala
9.Sumathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the third respondent in Na.Ka.No.30046/2021/Adhi.7 dated 16.03.2023 and to quash the same on the ground that the same is arbitrary, illegal and violation of principles of natural justice and consequently to direct the Respondents No.1 to 5 to restore the same in connection with property in Plot No.76 comprised in Survey Nos.68/1D, 2F and 57/4C2, situated at Pallapatti Village, Peraiyur Taluk, Madurai District, by issuing alternative land.

For Petitioner	:Mr.G.Ramanathan
For R1 to R6	:Ms.D.Farjana Ghousia
	Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the proceedings issued by the third respondent, District Adi Dravidar and Tribal Welfare Officer, Collectorate, Madurai, in Na.Ka.No.30046/2021/Adhi.7, dated 16.03.2023, and to quash the same. The petitioner further seeks that the



Respondents No.1 to 5 must restore the patta in connection with property in Plot No.76 comprised in Survey Nos.68/1D, 2F and 57/4C2, situated at Pallapatti Village, Peraiyur Taluk, Madurai District.

2.Heard Mr.G.Ramanathan, learned Counsel for the petitioner and Ms.D.Farjana Ghousia, learned Special Government Pleader for the respondents 1 to 6.

3.The petitioner, M.Rakkammal, daughter of Late Muthan had earlier filed W.P.(MD)No.4375 of 2023 seeking a Mandamus to direct the respondents therein to survey the land consequent to an assignment order, dated 02.11.2015. The survey was for the very same land, which is the subject matter of the present Writ Petition as stated above. A learned Single Judge of this Court by an order, dated 03.03.2023 directed survey to be conducted. But very unfortunately, the petitioner had brought not to the notice of the learned Single Judge that the lands are actually road and that more importantly, the petitioner had violated the terms of assignment and had not constructed any building.



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4.If there is violation of terms of assignment, the petitioner has no right or authority to continue to be in possession. The impugned order has also proceeded on the ground that the petitioner has alternate lands in the same village.

5.These facts may be right. These facts may be wrong. But one fact is admitted by the petitioner is about the violation of the assignment order, dated 02.11.2015. That violation had not been mentioned before the learned Single Judge, but innocuously, a relief was sought to measure the land. There was suppression of materials fact before the learned Single Judge, before an order was passed.

6.The learned Counsel for the petitioner should not have done so and should have voluntarily disclosed that though there was an assignment in the year 2015, the petitioner had not complied with the condition which went along with the grant of assignment. If there is a violation of conditions, the respondents have every right to interfere with the said order and cancel the assignment. This is what the respondents have done. On one occasion, once the petitioner had been able to get an



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order, but she cannot get successive orders from the Court. This Court has now found that there has been a violation of condition to construct a house, which was a pre condition for regularisation of the assignment. The petitioner having not complied with the condition, expressed a clear opinion that they do not want to satisfy the condition. This would automatically give leverage to the respondents to cancel the assignment, which was actually done. I do not find any force in the arguments advanced by the learned Counsel for the petitioner.

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

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

26.06.2023

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C.V.KARTHIKEYAN, J.

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Order made in
W.P.(MD)No.15163 of 2023

26.06.2023