



W.P.(MD)No.16558 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16558 of 2021

and

W.M.P.(MD)Nos.13435 & 13436 of 2021 and 209 of 2022

Poomani

... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Sub Collector,
Musiri, Trichy District.

3.The Tahsildar,
Musiri Taluk,
Trichy District.

4.M.Muthusamy

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order passed by the first respondent vide his proceedings Na.Ka.No.A2/5638/2021 dated 28.07.2021 and quash the same as illegal.

For Petitioner	: Mr.T.Lenin Kumar
For R1 to R3	: Ms.D.Farjana Ghoushia Special Government Pleader
For R4	: Mr.K.S.Kathiravan



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ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 28.07.2021, wherein the assignment that was made with respect to Survey No.270/48 was cancelled and a direction was issued to restore the property and mutate in the revenue records as 'Government Poromboke Natham'.

2.The case of the petitioner is that she is the owner of natham land in Survey No.270/48 by virtue of the proceedings of the third respondent dated 26.07.2005. The petitioner was also issued with Manaivari Thoraya Patta in Patta No.480. The fourth respondent initiated civil proceedings against the petitioner and six others seeking for the relief of permanent injunction. The suit was filed on the ground that the petitioner was attempting to grab the property belonging to the fourth respondent in Survey No.270/44.

3.The suit was contested and it was dismissed by judgment and decree dated 08.12.2014. This was further confirmed by the Appellate Court in A.S.No.54 of 2019 by judgment and decree dated 18.12.2020. When the appeal was disposed of, some observations were made with



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regard to the assignment that was made in favour of the petitioner and a direction was given to conduct enquiry. Pursuant to the above direction, the first respondent conducted enquiry and passed the impugned order through proceedings dated 26.07.2005 cancelling the assignment made in favour of the petitioner with respect to Survey No.270/48. Aggrieved by the same, the writ petition has been filed before this Court.

4.The third respondent has filed counter affidavit and has taken a stand that already there was an assignment made in favour of the petitioner's husband with respect to Survey No.270/44 and patta was also issued in Patta No.194. In spite of the same, yet another assignment was made in favour of the petitioner with respect to Survey No.270/48. Since the petitioner was found ineligible for the second assignment, the assignment made in favour of the petitioner was cancelled.

5.The third respondent has taken a further stand in the counter affidavit to the effect that the assignment that was granted in favour of the petitioner was not genuine, since it was found in the resettlement register pertaining to Araichi Village that an extent of 2.19 cents in Survey No.270 was classified as village Natham and survey No.270/48 was registered as a vacant



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land. Thereafter, this land is said to have been assigned in favour of the petitioner by proceedings dated 23.06.2005. Further, it was later ascertained that assignment number mentioned in the assignment patta of the petitioner, pertains to one Chinna Nayakkar belonging to Sevanthilingam village with regard to Survey No.9/28. This fact was stated as yet another reason for cancellation of the assignment made in favour of the petitioner with respect to Survey No.270/48.

6.In short, the third respondent has taken a stand that the petitioner has fraudulently utilized the house site assignment that was granted with respect to some other village and claimed that it was granted in her favour through proceedings dated 23.06.2005. Hence, the third respondent has sought for the dismissal of this writ petition.

7.The fourth respondent has also filed counter affidavit. It is not necessary to traverse through the counter affidavit filed by the fourth respondent, since ultimately it is a decision to be taken by the authorities and this Court will focus only on the reasons that were assigned by the first respondent for cancellation of the assignment patta issued in favour of the petitioner with respect to Survey No.270/48.



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8.Heard the learned counsel appearing on either side and perused the materials placed on record.

9.The assignment that was granted in favour of the petitioner with respect to Survey No.270/48 was cancelled on two grounds. The first ground is that there was already an assignment made in favour of the petitioner's husband with respect to Survey No.270/44 in patta No.194 and therefore, yet another assignment cannot be made in favour of the petitioner. The second ground that was put against the petitioner is that the proceedings through which the petitioner claimed that an assignment was made in her favour, pertained to the assignment made in favour of one Chinna Nayakkar belonging to Sevanthilingapuram Village for Survey No.9/28. In view of the same, the first respondent came to the conclusion that the very assignment that was relied upon by the petitioner is not genuine. On these grounds, the assignment given in favour of the petitioner was cancelled.

10.On carefully going through the reasons that have been assigned by the first respondent, this Court does not find any error of law apparent on the face of the order. The first reason that was assigned by the first respondent, to



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the effect that there is already an assignment in favour of the petitioner's husband for Survey No.270/44, will suffice to cancel the subsequent assignment made in favour of the petitioner for Survey No.270/48. The assignments are given in favour of landless poor and the same person/family cannot be repeatedly given assignments. Therefore, since the first reason given by the first respondent will suffice to sustain the cancellation of the assignment, it is not necessary to go into the second reason given by the first respondent in the impugned proceedings.

11.The learned counsel for the petitioner submitted that the petitioner has already constructed a house and she is living with her family in Survey No. 270/48. That apart, the petitioner is also willing to get the assignment by paying the market value of the property. The learned counsel further submitted that the request made by the petitioner shall be considered by the first respondent. The petitioner in order to substantiate this submission, relied upon the revenue standing order, which provides that if a person, to whom the land is assigned is ineligible as per the norms of the Government, it will be open to the authorities to make such assignment by collecting the market value of the property.



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12. In the considered view of this Court, if the petitioner is interested for any such assignment by paying the entire market value, an independent representation shall be made to the first respondent and the first respondent shall consider the same on its own merits and in accordance with law and take a decision within a period of two months from the date of receipt of the representation from the petitioner.

13. Apart from the above, this Court does not find any reason to interfere with the impugned order passed by the first respondent and this writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

12.12.2023

NCC : Yes / No

Index : Yes/No

Internet : Yes/No

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N.ANAND VENKATESH, J.

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