



WP(MD)No.13149 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 27.06.2023

PRONOUNCED ON : 22.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.13149 of 2014

and

MP(MD)Nos.1 to 3 of 2014

Jeenath Beevi

: Petitioner

Vs.

- 1.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Thiruvadanai Taluk,
Ramanathapuram District.
- 3.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 4.The Assistant Engineer,
Tamil Nadu Electricity Board,
Thiruvadanai,
Ramanathapuram District.



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5.The Deputy Superintendent of Police,
CBCID,
Ramanathapuram.

6.Sulaiman

7.Hamuthu Salam

8.The District Collector,
Ramanathapuram,
Ramanathapuram District.

: Respondents

[R.8 *suo-motu* impleaded vide order dated 11.04.2023]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the first respondent in Pa.Mu.No.9001/2014 (B6) dated 12.07.2014, quash the same and to restore the assignment in S.No.486/28.



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For Petitioner : Mr.S.Murugaian

For Respondents: Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mr.S.Shaji Bino,
Special Government Pleader
for R.1 to R.3, R.5, R.8

Mr.S.Deenadhayan,
Standing Counsel for R.4

No appearance for R.6

Mr.R.Manickam for R.7

ORDER

This writ petition is filed as against the order of the first respondent in Pa.Mu.No.9001/2014(B6), dated 12.07.2014, cancelling the assignment of land granted in favour of the petitioner.

2.The case of the petitioner, in brief, is as follows:-

2.1.The Tahsildar, Thiruvadanai Taluk, by proceedings in HSD No. 95/1420, dated 06.09.2010, assigned a house site in favour of the petitioner



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in Survey No.486/28 of Mangalkudi Village, Thiruvadanai Taluk. She has put up a house in that land, availed electricity service connection on 27.09.2011 and is paying house tax regularly without any default.

2.2..The sixth respondent, namely, Sulaiman, a Real Estate Broker, in order to develop his land in Survey No.486/2A to an extent of 1 acre and 30 cents has put up a layout and insisted the petitioner to sell her land to him for the purpose of pathway to his layout. The seventh respondent, the then President of Mangalakudi Panchayat, Thiruvadanai Taluk, who is also the brother-in-law of the sixth respondent, insisted the petitioner to sell the land to the sixth respondent and gave further pressure through the Jamadh. Since the petitioner refused to sell the land to the sixth respondent, they approached the third respondent / Tahsildar, Thiruvadanai Taluk and on the pressure exerted by the respondents 6 to 8, the third respondent has convened a peace committee meeting on 02.05.2012. In the peace committee meeting also, the petitioner was pressurized to sell her assigned land to the sixth respondent. When the petitioner refused to do so, the respondents 6 & 7 have insisted the third



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respondent to cancel the assignment, for which, the third respondent refused to cancel the assignment without any proper reason.

2.3.However, at the instance of the sixth respondent, the second respondent / the Revenue Divisional Officer has cancelled the assignment order on 31.12.2013, even without providing any opportunity to the petitioner. Therefore, the petitioner has approached this Court by way of a writ petition in WP(MD) No.1346 of 2014, challenging the order dated 31.12.2013. This Court disposed of that writ petition with a direction to the petitioner to file an appeal before the first respondent. Accordingly, the petitioner has filed an appeal and the same was rejected by the District Revenue Officer, Ramanathapuram in his proceedings Pa.Mu.No. 9001/2014(B6), dated 12.07.2014. This order of the District Revenue Officer, Ramanathapuram is under challenge in this writ petition.

3.Learned Counsel appearing for the petitioner submitted that the assignment of land granted to the petitioner was cancelled in order to help the sixth respondent to facilitate his real estate business. The sixth



respondent has put a lay-out in S.No.486/2A and there was no road on the western side of the layout for the plot numbers 1, 2, 3, 10, 16, 17 and in order to facilitate a road for these plots, the assignment was cancelled. However, the assignment was cancelled at the instance of the sixth and seventh respondent. This is nothing but collusion of officials and the real estate owners and in this process, the petitioner is victimized.

4.Learned Additional Advocate General appearing for the official respondents refuted the allegations made by the petitioner and submitted that as per the terms of assignment, the assignee has to put up a construction in the assigned land within 6 - 12 months from the date of assignment. Since the petitioner has not utilized the assigned land and has also encroached a pathway leading to Adi Dravidar Colony, the assignment was cancelled.

5.This Court considered the rival submissions made on either side and also perused the materials placed on record.



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6.This writ petition is filed as against the order of the first respondent confirming the order of cancellation of assignment passed by the second respondent. The petitioner was assigned with a house site in S.No.486/28 by the Tahsildar, Thiruvadanai Taluk, vide proceedings in HSD No. 95/1420, dated 06.09.2010. As per the terms of assignment, the assignee has to put up a construction in the assigned land within 6 – 12 months from the date of assignment. The Revenue Divisional Officer has cancelled the assignment by observing that the petitioner has not utilized the assigned land and has encroached a pathway leading to Adi Dravidar Colony.

7.As against the order of the Revenue Divisional Officer, the petitioner has preferred a review petition before the District Revenue Officer. The District Revenue Officer has conducted an enquiry and observed that no house structure was put up by the petitioner as stipulated in the assignment conditions and that the petitioner was growing plants in the subject land. Since there is a clear violation of the assignment conditions, the District Revenue Officer has also confirmed the order of cancellation passed by the Revenue Divisional Officer.



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8.The main contention of the petitioner is that for the purpose of facilitating the sixth respondent and to provide a pathway to his layout, the President of the Village along with the President of Jamath have influenced the Revenue Divisional Officer to cancel the assignment order. A perusal of the impugned order shows that the assignment has been cancelled on the ground that the petitioner has blocked the public pathway and prevented the public to reach the residential layout. The official respondents also claim that the petitioner has not constructed any house as per the terms of the assignment order and therefore, his assignment was cancelled.

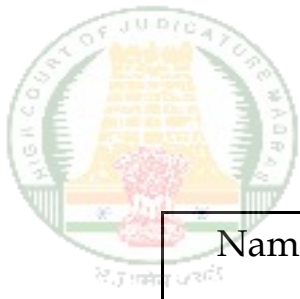
9.In order to ascertain the disputed facts, this Court *suo motu* impleaded the District Collector, Ramanathapuram as a party to this writ petition for his response. This Court also appointed an Advocate Commissioner to identify as to whether there is any encroachment by the petitioner obstructing the pathway and as to whether there is any layout in that locality.



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10. The learned Advocate Commissioner made a physical inspection and observed that there is no encroachment by the petitioner obstructing the pathway or Oorani. According to the learned Commissioner, though the assigned land is a Government Natham Land as per revenue records, it is used as a pathway by the village people and therefore, it is alleged by the villagers that the petitioner has obstructed the pathway. The learned Commissioner further observed that there is no layout in that locality and that the respondents 6 & 7 are not closely related with each other.

11. The District Collector, the newly impleaded respondent, has filed a counter affidavit that since the petitioner has not put up any constructions in the assigned land, the assignment was cancelled. The District Collector further stated that the petitioner has obtained this assignment by claiming that she is not having any other properties, however, apart from this assignment, the petitioner and her husband are having the following properties:-



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Name	Date of Assignment	S.No.	Extent (Sq.mt)	Patta No.	Remarks
Jeenath Beevi	-	511/5B	00040	715	Concrete house was constructed (purchased land)
Mohamed Ali Jinna	27.02.1995	488/26	00060	736	Petitioner's husband
Jeenath Beevi	27.02.1995	488/34	00065	737	Petitioner
Jeenath Beevi	06.09.2010	486/28	00120	827	Disputed land

12.The house site assignments are made to houseless poor persons to provide one of the basic needs, ie., shelter, for uplifting the economically weaker sections to ensure their decent standard of living in the society. In view of the specific stand taken by the District Collector that the petitioner and her husband are possessing other properties, than the subject assigned land and considering the fact that the assignment was cancelled in view of the violation of the assignment conditions, this Court is not inclined to entertain this writ petition.



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In fine, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Internet : Yes
Index : Yes / No
NCC : Yes / No
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22.12.2023

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gk

6.The District Collector,
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