



W.P.(MD).No.21884 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **10.07.2023**

CORAM:

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

W.P.(MD).No.21884 of 2022
and W.M.P(MD).Nos.16045 and 16046 of 2022

Chinnadurai

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Adi Dravidar and Tribes Welfare Officer,
Trichy District, Trichy.

3.The Special Tahsildar,
O/o.The Special Tahsildar,
Adi Dravidar Welfare,
Trichy.

4.The Assistant Electrical Engineer,
Operation and Maintenance Division,
TANGEDCO,
Trichy.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the second



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respondent in Na.Ka.No.A1/3601/2021 dated 30.08.2022 and quash the same within the stipulated period by this Court.

For Petitioner : Mr.H.Velavadhas

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader
for R1 to R3
Mr.S.Deenadhayalan
Standing Counsel for R4

ORDER

The petitioner has challenged the impugned communication of the second respondent, dated 30.08.2022, in and by which, the second respondent has directed the petitioner not to proceed with any construction in the land in Plot No.7 in Survey Nos.166/1B and 161/2C situated at Koothamangalam, Trichy District.

2. The learned counsel appearing for the petitioner submits that the said land has been assigned to the petitioner in the year 2005 and the petitioner is in possession and enjoyment of the property. All of a sudden, the second respondent has passed the impugned communication dated 30.08.2022 directing the petitioner to stop the construction. The order of



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assignment of the year 2005 was cancelled on 29.10.2020 by the first respondent without issuing notice to the petitioner. A copy of the said order has not been furnished to the petitioner.

3. The learned Special Government Pleader appearing for the respondents, on written instructions received from the third respondent, submits that the petitioner has not constructed any building as per the assignment conditions and therefore, the patta was cancelled. Now, the petitioner is constructing a house and the land has not been assigned to any other person. Therefore, the Government is reconsidering the case of the petitioner to issue patta.

4. Since it is reported that the respondents are intending to re-consider the case of the petitioner for issuing patta for the same land which has already been cancelled by the first respondent on 29.10.2020 and the earlier order was passed on the ground that the petitioner has not complied with the assignment conditions and now the petitioner is constructing the house in the said plot, this Writ Petition is disposed of, by giving a direction to the first respondent to take a decision on the



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petitioner's case within a period of 12 weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Connected miscellaneous petitions are closed.

10.07.2023

Index: Yes/No
Internet: Yes/No
ssb

To

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B.PUGALENDHI, J.

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