



W.P(MD)No.3545 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3545 of 2015

P.Sivakumar

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani,
Dindigul (DT).

3.The Tahsildar,
Vedasandur,
Dindigul(DT).

4.Ponnammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to cancel the assignment patta on the name of the 4th respondent with regard to D.Kudaloor village S.No. 1853/6 situated at Poosary Patti Village, Vedasandur Taluk, Dindigul District.



W.P(MD)No.3545 of 2015

For Petitioner : Mr.G.Gomathi Sankar

For Respondent : Mr.D.Gandhiraj
Special Government Pleader for R1 to R3

: no appearance for R4

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 to R3. Though the fourth respondent has been served and her name is printed in the cause list, she has not chosen to enter appearance.

2. The petitioner's case is that the assignment made in favour of the fourth respondent should be cancelled. The Tahsildar, Vendasandur had filed the counter affidavit and it is stated therein that the fourth respondent had breached the assignment condition and hence, the cancellation proposal has been submitted to the Revenue Divisional Officer, Palani. The second respondent does not appear to have passed any order till date.

3. The second respondent shall issue notice to the fourth respondent as well as the petitioner herein and after enquiring both the parties, shall pass final order. The second respondent must take into account these two aspects.



W.P(MD)No.3545 of 2015

A. Whether the land used or classified as pathway was assigned in favour of the fourth respondent

B. If a cart track had been assigned, then assignment has to be cancelled.

If some other area had been assigned and if assignment condition had been breached, an adverse order can be passed against the fourth respondent.

If the fourth respondent apart from occupying the assigned land is also restraining the members of the public from using the pathway, the offending act shall be dealt with. That need not lead to cancellation of the assignment order itself. The second respondent will bear in mind all the relevant circumstances and thereafter pass an appropriate order. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of accordingly. No costs.

13.09.2023

Index : Yes / No
Internet : Yes/ No
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To

1. The District Collector,
Dindigul District,
Dindigul.



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W.P(MD)No.3545 of 2015

G.R.SWAMINATHAN, J.

rmi

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W.P(MD)No.3545 of 2015

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