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W.P.(MD)NO.5728 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5728 of 2015

A.Ayyankalai

... Petitioner / Petitioner

Vs.

1. The Sub Collector,
O/o.the Sub Collector,
Paramakudi,
Ramanathapuram District.

2. R.Palsamy

3. Vellaisamy

4. The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District. ... Respondents/Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in the impugned order dated 13.02.2015 in Pa.Mu(A3) 8420/2013 passed by the first respondent and quash the same.

For Petitioner : Mr.K.Govi Ganesan

For R-1 & R-4 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

* * *



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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 and 4.

2. The petitioner was assigned 2 acres and 61 cents vide proceedings dated 31.05.1991 on the file of the Tahsildar, Paramakudi. The petitioner was a landless person. The assignment was cancelled vide order dated 13.02.2015 by the Sub Collector, Paramakudi. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the writ petitioner claims that the impugned order has been passed in violation of principles of natural justice.

4. This Court called upon the learned Additional Government Pleader to produce the relevant files. On perusal thereof, it is seen that notice was in fact issued to the petitioner. The petitioner had also engaged counsel. But the



petitioner failed to participate in the enquiry. I therefore reject the primary ground founded on the ground of violation of principles of natural justice.

5. The impugned order rests on two reasons:-

- a) Assigned land was a water-body
- b) The petitioner owned lands.

6. The learned counsel appearing for the petitioner states that the land holdings attributed to the petitioner were subsequent acquired. He would also state that the water-body runs 100 ft. away from the assigned land.

7. Since the impugned cancellation has substantial implication on the petitioner's rights and since the petitioner asserts that the water-body does not run through the assigned land, it is only just and proper that survey exercise is undertaken.

8. Instead of setting aside the impugned order, the writ petition stands disposed of in the following directions:-



a) The District Revenue Officer, Ramanathapuram is directed to hold an enquiry in the matter.

b) The petitioner shall appear before the District Revenue Officer, Ramanathapuram on 25.09.2023 at 3.00 p.m.

c) The District Revenue Officer shall cause survey to be conducted in the present of the writ petitioner. The revenue entries including SLR, 'A'Register etc. will be taken into account. After hearing the petitioner, final order on merits and in accordance with law will be passed. The impugned order will abide by the said order. If the said order is passed in favour of the petitioner, it is well and good. If otherwise adverse order is passed, the petitioner can once again approach this Court. The entire exercise will be concluded within a period of four months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

04.09.2023

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

1. The Sub Collector,
O/o.the Sub Collector,
Paramakudi,
Ramanathapuram District.
2. The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.



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G.R.SWAMINATHAN,J.

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