



W.P.(MD)No.4396 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.4396 of 2016
and
W.M.P.(MD)No.3927 of 2016

P.Pandilakshmi

... Petitioner

versus

1. The Revenue Divisional Officer,
Aruppukkottai Sub Division,
Aruppukkottai,
Virudhunagar District.

2. The Tahsildar,
Tiruchuzhi Taluk,
Virudhunagar District.

3. R.Ramu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records of the 1st respondent in Na.Ka.AA3/3300/2014 dated 01.04.2015 and quash the same as illegal and unconstitutional.



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W.P.(MD)No.4396 of 2016

For Petitioner : Mr.S.Balamurugan
For R1 and R2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
For R3 : Mr.S.J.Chakkaravarthi

ORDER

This writ petition is filed as against the order dated 01.04.2015 passed by the Revenue Divisional Officer, Aruppukkottai, cancelling the order of free assignment patta made in favour of the petitioner in the year 2013 for the land in S.No.78/31.

2. With regard to the lands in Survey Nos.78/25 to 78/31 at Pallimadam Village, Tiruchuzhi Taluk, free assignment patta was given to various persons. At that time, the petitioner and her husband have also been granted free assignment of patta for the lands in Survey Nos.78/31 & 78/30 respectively. On the field verification and also on the objection raised by the villagers, the Tahsildar, Tiruchuzhi Taluk, Virudhunagar District, has conducted an enquiry and submitted a report to the Revenue Divisional Officer, Aruppukkottai, Virudhunagar



W.P.(MD)No.4396 of 2016

District. Thereafter, based on the report of the Tahsildar, Tiruchuzhi Taluk, Virudhunagar District and also based on the filed inspection report that no construction has been made in the land in Survey No. 78/31, the Revenue Divisional Officer, Aruppukkottai, Virudhunagar District, by order dated 01.04.2015, has cancelled free assignment patta issued in favour of the petitioner in Survey No.78/31. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that the lands in Survey Nos.78/30 and 78/31 are natham lands and the petitioner and her husband were in occupation of that property. Considering their occupation, free assignment patta has been issued in favour of the petitioner and her husband. The petitioner has also constructed house in the said lands and therefore, it is not proper to cancel the patta after two years.

4. The learned Additional Government Pleader appearing for the



W.P.(MD)No.4396 of 2016

respondents 1 and 2 submits that by misrepresentation, free assignment patta has been issued to the petitioner as well as to her husband wrongly. On the objection raised by the villagers, an enquiry was conducted and based on the report of the Tashildar, Tiruchuzhi Taluk, this impugned order came to be passed. The learned Additional Government Pleader has also relied on Clause 7(a) of the assignment dated 27.12.2013, wherein, it has been specifically stated that if patta has been obtained by fraud or misrepresentation, patta would be cancelled without any due notice to the parties.

5. This Court has considered the rival submissions.

6. The petitioner got patta for the land in Survey No.78/31 by way of free assignment. The free assignment patta was given to both the petitioner as well as to her husband. On the field verification, the Tahsildar, Tiruchuzhi Taluk, has filed a report that there is no building in Survey No.78/31. Further, by considering the fact that the



W.P.(MD)No.4396 of 2016

petitioner's husband has also obtained free assignment patta, the impugned order has been passed. Therefore, this Court does not find any reason to interfere with the order dated 01.04.2015, passed by the first respondent.

7. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.10.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

To

1. The Revenue Divisional Officer,
Aruppukkottai Sub Division,
Aruppukkottai,
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2. The Tahsildar,
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W.P.(MD)No.4396 of 2016

B.PUGALENDHI, J.

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W.P.(MD)No.4396 of 2016

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