



W.P.No. 1068 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.1068 of 2024

and

W.M.P.No.1130 of 2024

V.Palaniappan

... Petitioner

versus

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The District Revenue Officer,
Tiruppur Collectorate,
Tiruppur.
3. The Revenue Divisional Officer,
Tiruppur District,
Tiruppur.
4. The Tahsildar,
Avinashi Taluk,
Avinashi, Tiruppur District.
5. P.Nalani

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying

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to issue a Writ of Certiorari to quash the order passed by the second respondent in proceedings in Na.Ka.No.30993/2022/A4 dated 27.07.2023 direct the respondents to issue patta in favour of the original allottees for the property measuring an extent of 1.75 acres comprised in S.No.563/4 situated at Pudupalayam Village, Avinashi Taluk, Tiruppur District bearing Unconditional Patta bearing No.D.R./2/1935.

For Petitioner : Mr.K.Shahul Hameed
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for R1 to R4

Mr.K.S.Karthik Raja for R5

ORDER

This writ petition has been filed to quash the impugned order passed by the second respondent in proceedings in Na.Ka.No.30993/2022/A4 dated 27.07.2023, and consequently direct the respondents to issue Patta in favour of the original allottees in respect of the property measuring an extent of 1.75 acres, comprised in S.No.563/4 situated at Pudupalayam Village, Avinashi Taluk, Tiruppur District bearing Unconditional Patta bearing No.D.R./2/1935.

2. Learned counsel for the petitioner submitted that subject land



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measuring an extent of 1.75 acres in S.No.563/4 situated at Pudupalayam Village, Avinashi Taluk, Tiruppur District was originally allotted to the petitioner's grandfather Karuppa Sanghli, who belongs to Scheduled Caste Community in the year 1935 vide Patta bearing D.R.No.2/1935 for agricultural purpose. Since then, the petitioner's grandfather and his legal heirs were in occupation and enjoyment of the same. While that being so, some third parties have colluded with the fourth respondent/Tahsildar and changed the conditional Patta in their names, by creating forged and fabricated documents. Hence, the petitioner and other legal heirs of Karuppa Sanghli have filed a suit in O.S.No.211 of 2015 on the file of the District Munsif Court, Avinashi and the Court below passed an order declaring that the petitioner and others are the legal heirs of original assignee. Subsequently, the legal heirs of Karuppa Sanghli gave a representation by enclosing the "A" register to the fourth respondent/Tahsildar to re-convey the conditional patta land, which was issued in favour of their grandfather, by issuing Patta. Since there was no response from the respondents, one Rangan, who is one of the legal heirs of Karuppa Sanghli has filed a writ petition in W.P.No.32705 of 2019 and this Court disposed of the writ



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petition by directing the Revenue Divisional Officer to pass appropriate orders on the said representation. Pursuant the order of this Court, the third respondent/Revenue Divisional Officer conducted an enquiry and without considering the factual details cancelled the conditional Patta and classified the land in question as "Government Poromboke". As against the said cancellation, the said Rangan preferred an appeal before the second respondent/District Revenue Officer and the same was dismissed. The learned counsel for the petitioner further submitted that the official respondents without showing any valid reason and without giving an opportunity of hearing to the petitioner, colluded with the third parties and cancelled the conditional Patta and allotted the said land to the upper caste people.

4. The learned Additional Government Pleader by referring to counter affidavit contended that based on the complaint given one Rangan, the Revenue Divisional Officer conducted an enquiry and the said Rangan and fifth respondent herein have participated in the enquiry. Since the said Rangan failed to submit any relevant documents to prove title in respect of



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the land in question, the Revenue Divisional Officer passed an order, resumed the lands to Government and classified it as "Government Poromboke Land - Assessed Tharissu Land", and by cancelling the assignment patta for violation of conditions. Challenging the same, the said Rangan preferred an appeal before the District Revenue Officer. After enquiry the appellate authority dismissed the appeal. He further contended that the petitioner herein neither impleaded himself nor submit relevant documents in order to prove the claim over the subject property in the enquiry conducted by the second respondent/DRO, but has directly approached this Court as against the orders passed on the representation of the said Rangan.

5. Heard both sides and perused the materials available on record.

6. On a perusal of the records it is seen that the petitioner has not produced any documentary proof to prove his title in respect of the land in question namely original assignment, which was issued in favour of his grandfather or the documents to prove that after assignment, the original



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assignee cultivated the land in question within three years and after his demise the legal heirs of the original assignee are continuously cultivating the land for agricultural purpose. Therefore, the petitioner is not entitled to the relief as sought for in this writ petition. However, the respondents are directed to recover the lands, which were under the possession of any third party, which was originally assigned to the Depressed Class people and also directed to find out the beneficiaries, who are Depressed Class people and assign the same. In case, the petitioner files any application for assignment and the same is otherwise in order, the authority concerned can consider his application and pass appropriate orders on merits and in accordance with law.

7. With the above directions and observations, the writ petition is disposed of. However, there shall be no order as to costs.

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Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
ms

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To

WEB COPY

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Tiruppur District,
Tiruppur.
2. The District Revenue Officer,
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Avinashi,
Tiruppur District.



WEB COPY



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P.VELMURUGAN, J.
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