



W.P.No. 7995 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.7995 of 2023

and

W.M.P.Nos.8234 and 8236 of 2023

C.Murugan

... Petitioner

versus

1. The Collector,
O/o.Thiruppur Collectorate,
Thiruppur.
- 2.The District Revenue Officer,
Tiruppur Collectorate,
Tiruppur.
- 3.The Revenue Divisional Officer,
Tiruppur District,
Tiruppur.
- 4.The Tahsildar,
Avinashi,
Tiruppur District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying
to issue a Writ of Certiorarified Mandamus to call for the records pertaining

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in the impugned order in Na.Ka.No.4282/2019/E1 dated 10.10.2022 passed by the third respondent and quash the same and directing the fourth respondent to issue patta in favour of the petitioner in patta No.2448 in respect of the land comprised in Survey No.563/4 Pudupalayam Village, Avinasi Taluk, Tiruppur District and hereby restored in the name of the petitioner and as illegal, arbitrarily and unconstitutional.

For Petitioner : Mr.K.S.Karthik Raja
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

This writ petition has been filed to quash the impugned order in Na.Ka.No.4282/2019/E1 dated 10.10.2022 passed by the third respondent and consequently direct the fourth respondent to issue Patta in favour of the petitioner in Patta No.2448 in respect of the land comprised in Survey No.563/4 Pudupalayam Village, Avinasi Taluk, Tiruppur District.

2. Learned counsel for the petitioner submitted that one Kannimuthu executed a settlement deed dated 22.09.1994 in favour of his wife Karupathaal and she was in possession and enjoyment of the property.

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Thereafter, in the year 2003 the said Karupathaal executed a General Power of Attorney in favour of Duraisamy vide registered Doc.No.154/2003 on 30.04.2003. Based on the said Power of Attorney, a sale deed was executed in favour of one Manikkam under registered sale deed dated 29.08.2003. Subsequently, the said Manikkam executed a sale deed in favour of one Srinivasan, Venkatesh and Chandrasekar vide registered sale deed dated 06.01.2005, who in turn, executed a sale deed in favour of Ganapathiappan, Velusamy and Maghalingam vide registered sale deed dated 04.07.2008. Subsequently, the said Ganapathiappan and others executed a sale deed in favour of one Nalini vide registered sale deed dated 06.04.2015. Ever since, she in peaceful enjoyment of the said property. While that being so, one Rangan has claimed that the land in question belongs to his father namely Karrupan and a conditional patta has been granted in his favour in the year 1935. He has also alleged that transfer of property to various third parties including Nalini is fraudulent and he has given a representation to the District Revenue Officer on 31.01.2019 and 30.12.2021. Based on the complaint, the District Revenue Officer conducted an enquiry on 21.02.2020, during which, the said Nalini gave a detailed reply explaining



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the facts and the intention of Rangan to grab the property without any solid proof or evidence supporting the same. Further, the said Rangan filed a writ petition in W.P.No.32705 of 2019 before this Court. Since the said Rangan failed to submit any relevant documents to prove his title, this Court directed the Revenue Divisional Officer to conduct enquiry, after issuing notice to Rangan and Nalini. Pending proceedings, the said Rangan trespassed into the land in question and attempted to encroach the same, hence, the said Nalini gave complaint before Annuparpalayam Police Station. Pursuant to the direction of this Court dated 12.11.2021, the Revenue Divisional Officer, sent summons to Rangan and Nalini for enquiry on 02.02.2022. Subsequently, the said Nalini executed a sale deed in favour of the petitioner herein vide registered sale deed dated 10.02.2022. After enquiry, the Revenue Divisional Officer passed an order dated 10.10.2022 stating that in respect of the land in question a conditional assignment was issued for Scheduled Caste People and there was a violation, hence the respondents resumed the lands to Government by cancelling the assignment Patta for violation of conditions. Therefore, the petitioner is constrained to file the present writ petition.



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3. The learned Additional Government Pleader appearing for respondents submitted that the petitioner has already preferred an appeal before the first respondent/District Collector as against the order passed by the third respondent/Revenue Divisional Officer dated 10.10.2022 and the same was dismissed. Without challenging the order of the first respondent, the petitioner has filed the present writ petition by challenging the order passed by the third respondent dated 10.10.2022.

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

4. On a perusal of the records, it is seen that the land in question was originally classified as "Depressed Class Land" and the same was allotted to the Depressed Class people by issuing conditional Patta. While assigning the land to the Depressed Class people, there was a condition i.e. for ten years, the assignee should not alienate or encumber the property to any party, that too they have to cultivate the land for their survival. In case, they have not cultivated the land for more than three years, the assignment itself will be cancelled, and the land would be vested to the Government. In case



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of any alienation and encumbrance it will not bind the Government. It is further seen that the original assignee alleged to have sold the property to the non-depressed class people and thereafter, several transactions took place. Once, the original assignee sold the land to the non-depressed class people, the assignment would be cancelled automatically and the land would be vested with the Government.

5. As the vendor of the petitioner, who is a non-depressed class people, herself did not have any valid title, the petitioner cannot have any better valid title than the vendor of the petitioner in the land in question. However, it is seen that the petitioner has already challenged the order of the third respondent dated 10.10.2022, before the appellate authority/first respondent herein. The first respondent has also disposed of the appeal on merits. Without challenging the order of first respondent, the petitioner has filed the present writ petition by challenging order of the third respondent. Both on the ground of technicalities as well as on merits, the petitioner did not have any right or title in the land in question. Hence, the petitioner is not entitled to the relief as sought for in this writ petition. The respondents are



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directed to take possession of the said land, if already not taken and retain the possession and find out eligible Depressed Class people and assign the same to them.

6. With the above observations, the writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

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P.VELMURUGAN, J.

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