



W.P.No.30940 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.30940 of 2016

and

W.M.P.No.26805 of 2016 and W.M.P.No.25279 of 2017

C.Elumalai

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by the Secretary,
Department of Revenue,
St.George Fort, Chennai.
- 2.The District Collector,
Tiruvannamalai District,
Office of the District Collector,
Vellore Road,
Thiruvannamalai – 606 604.
- 3.The Tahsildar,
Tiruvannamalai District,
Tiruvannamalai – 606 601.
- 4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruvannamalai – 606 601.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records pertaining to the order of the second respondent which is made in Na.Ka.No.Aa2/43118/2013 dated 18.04.2016 insofar as the petitioner is concerned and quash the same.

For Petitioner : Mr.R.Malaichamy

For Respondents : M/s.M.Jayanthy
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a certiorari, to call for the records pertaining to the order of the second respondent which is made in Na.Ka.No.Aa2/43118/2013 dated 18.04.2016 insofar as the petitioner is concerned and quash the same.

2. The case of the petitioner is that the property comprising in Survey No.191/4 (New Survey No.257/5) measuring about 1800 sq.ft., situated at Venkigal Village, Tiruvannamalai Taluk, Tiruvannamalai District, was purchased by the petitioner on 28.07.2008 from one Kalamani, W/o.Narayanasamy, through a Registered Sale Deed bearing No.8653 of 2008. Originally, larger extent of property measuring about 0.10.0 hectares were granted to one Krishnamoorthy, S/o.Mulayan in the year 1983 as DC land. Subsequently, the said Krishnamoorthy sold the land to Dr.Chandran vide



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Document No.1095 of 1986 and thereby, the said Dr.Chandran promoted the land into plots and sold the same to the Public. The petitioner is in possession and enjoyment of the subject land. The Multiple Credit Receipt issued by the authority on 13.08.2008 is the proof for the same. On 11.12.2009, after thorough verification of records and other relevant documents, the competent authority i.e., issued Patta bearing No.5006 to the petitioner to the subject land. The petitioner has also paid the house tax from time to time. The receipt issued dated 25.08.2013 is the proof for the same.

3. The further case of the petitioner is that, to grab the land of the petitioner and others, one A.P.Murthy made attempt through his father namely Appadurai, who filed W.P.No.5021 of 2015, seeking to consider his representation dated 18.02.2015 and dispose the same. The said writ petition was disposed by this Court on 26.02.2015. Aggrieved by the same, the petitioner and others also filed W.P.No.18995 of 2015, seeking to consider their common representation dated 10.06.2015 and dispose the same and also prayed for a direction to the authority to afford them opportunity of personal hearing before passing order on the representation dated 18.02.2015 of the said Appadurai. Pending disposal of the writ petition, the second respondent vide his proceedings dated 18.04.2016, without proper verification of records and



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documents and without gone through the facts and circumstances of the case, passed order against the petitioner and others by cancelling the DC land granted to the said Krishnamoorthy, S/o.Mulayan, in the year 1983. On receipt of the order dated 18.04.2016, the petitioner submitted a detailed representation dated 06.06.2016 to the second respondent and requested to cancel the order dated 18.04.2016 as the property was purchased by the petitioner on 28.07.2008 and it was duly served on the second respondent. One of the aggrieved person, namely G.Ambika challenged the order of the second respondent dated 18.04.2016 and this Court granted an ad-interim stay insofar as the said petitioner is concerned in W.M.P.No.18462 of 2016 in W.P.No.21580 of 2016 dated 24.06.2016. Likewise, another aggrieved person namely R.Thirumurugan challenged the order of the second respondent dated 18.04.2016 and this Court granted ad-interim stay insofar as the said petitioner is concerned in W.M.P.No.18468 of 2016 in W.P.No.21583 of 2016 dated 24.06.2016. Hence the writ petition.

4. Learned counsel appearing for the petitioner submitted that the same impugned order dated 18.04.2016 was under challenge in W.P.Nos.21580 of 2016 etc., batch in which, this Court by order dated 09.06.2023 dismissed all the writ petitions and the relevant paragraphs of the order is extracted hereunder:-



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“8.An assignee allotted with free patta under the Government welfare scheme to protect his livelihood cannot alienate the property in violation of condition and in the event of permitting such violations, the very purpose and object of welfare schemes would be defeated. Such violators are depriving the other eligible landless poor persons to secure free patta under the welfare scheme. Therefore violations are to be viewed seriously, since free patta is granted from the public property and the beneficiaries are expected to honour the conditions in entirety, failing which, the competent authorities are duty bound to initiate action and cancel the free patta granted to such persons.

9.The contention of the petitioners that the Principles of Natural Justice has been violated deserves no merit consideration, since an elaborate enquiry was conducted by the District Collector by affording opportunity to all the parties. The petitioners either themselves or through their representatives participated in the enquiry and submitted their documents. The District Collector found that the original assignee of free patta in violation of the conditions alienated the property in favour of one Dr.Chandran, who in turn formed lay out by converting the land as house sites and sold the plots in favour of the petitioners. It is a serious violation committed by the original assignee and the public property granted at free of cost for the benefit of the poor landless people at no circumstances be allowed to be misused or abused.

10.In the present case, the impugned order itself reveals that the petitioners have admitted the fact that they have purchased the property from Dr.Chandran who purchased the subject land from the original assignee Mr.Krishnamoorthy. Thus, the violations of free patta conditions are apparent and the District Collector is therefore justified in cancelling the free assigned patta granted in favour of Mr.Krishnamoorthy, S/o.Mulaiyan. Thus, the petitioners have not established even semblance of legal right for the purpose of interfering with the orders impugned and consequently, the order passed by the District Collector in proceeding dated 18.04.2016 stands



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confirmed.

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11. Accordingly, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.”

5. In view of the above order passed by this Court, this Writ Petition stands dismissed. No costs. Connected Writ Miscellaneous Petitions are closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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To

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St. George Fort, Chennai.
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Office of the District Collector,



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