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WP.No.33252 of 2024

In the High Court of Judicature at Madras

Dated : 18.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.33252 of 2024 &
WMP.Nos.36334 & 36336 of 2024

1.Mr.Khadar Ali
2.Mrs.Halima Bee

...Petitioners

Vs

1.The District Collector,
District Collectorate,
Perambalur-621212.

2.The District Revenue Officer,
Master Plan Complex,
Perambalur Collector Office
Road, Perambalur,
Tamil Nadu-621212.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Madarasa Road, Perambalur,
Tamil Nadu-621212.

4.The Revenue Tahsildar,
Taluk Office, Veppanthattai,
Perambalur, Tamil Nadu.
621212.

5.Mr.Dubali Ahemed

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in proceedings Na.Ka.C2/e-45402/2023 dated 09.9.2024 on



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the file of the second respondent, quash the same as illegal, incompetent and without jurisdiction and to further direct the fourth respondent to restore assignment patta 224/2022-23 in so far as survey No.492/7 admeasuring 00112 sq.meter and 00113 sq.meter in favour the petitioners respectively, Vishwakudi Village, Veppanthattai Taluk, Perambalur District.

For Petitioners : Mrs.V.Srimathi
For R1 to R4 : Mr.A.Selvendran, SGP

ORDER

The above writ petition has been filed for the following relief :

"a Writ of Certiorarified Mandamus to call for the records in proceedings Na.Ka.C2/e-45402/2023 dated 09.9.2024 on the file of the second respondent, quash the same as illegal, incompetent and without jurisdiction and to further direct the fourth respondent to restore assignment patta 224/2022-23 in so far as survey No.492/7 admeasuring 00112 sq.meter and 00113 sq.meter in favour the petitioners respectively, Vishwakudi Village, Veppanthattai Taluk, Perambalur District."

2. The brief facts preceding the filing of this writ petition are as herein below set out :

(i) The first petitioner claims to have purchased the property



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situated in S.F.No.492/1 measuring 1,995 sq.ft under a registered sale deed dated 24.8.2000. Thereafter, under another sale deed dated 16.2.2004, the first petitioner has purchased the lands in S.F.Nos. 474/10, 492/1 and 492/7 admeasuring 1,744 sq.ft, which includes 210 sq.ft pathway. Therefore, by virtue of two sale deeds, the first petitioner became the owner of a total extent of 3,949 sq.ft in S.Nos.492/1, 492/7 and 474/10 and the petitioners have been in peaceful possession since the date of purchase.

(ii) As a sequel to the purchase, the petitioners requested the fourth respondent to issue patta for the properties purchased under the two sale deeds. Further, on 02.12.2022, the fourth respondent had granted assignment patta for the land classified in S.F.No.492/7 measuring 113 sq.meters in favour of the first petitioner and 113 sq.meters in favour of the second petitioner. On 25.1.2023, the fifth respondent, who is an adjacent land owner, had trespassed into the patta land. This compelled the petitioners to file O.S.No.35 of 2023 on the file of the District Munsif Court, Veppanthattai seeking not to interfere with their peaceful possession and enjoyment of the properties. In that suit, the fifth respondent filed a written statement and the matter is at trial stage.

(iii) While so, the fifth respondent, who has properties in S.No. 492/8A, sought for a cancellation of the assignment patta issued in



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favour of the petitioners in respect of S.No.492/7 measuring 236 sq.meters. Thereafter, without even an inquiry, the third respondent passed an order dated 24.5.2023 cancelling the assignment in respect of the lands comprised in S.No.492/7. Aggrieved by the order of the third respondent, the petitioners filed an appeal before the second respondent. However, by the impugned order, the second respondent confirmed the order passed by the third respondent. Aggrieved by that, the petitioners are before this Court.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 to 4.

4. A perusal of the impugned order would indicate that it has been passed since the petitioners have not put the land to use in view of the fact that as per the condition of assignment, the petitioners were required to put up the construction within a period of six months from the date of assignment.

5. Admittedly, the petitioners have not put up any construction on the assigned land. Therefore, there is a violation of the assignment condition. Further, the petitioners own other properties and this is evident from a suit pending between the petitioners and a private



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party with reference to certain properties. Therefore, the petitioners do not qualify for assignment.

6. In view of the above observations, this Court does not see any reason to interfere with the impugned order.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected WMPs are also dismissed.

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To

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RS



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