



WEB COPY



W.P.No.33866 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.33866 of 2018  
and  
WMP.No.39332 of 2018

K.Munusamy

...Petitioner

Vs.

1. The District Collector of Tiruvannamalai,  
Collector Office, Vengikal,  
Tiruvannamalai, Tiruvannamalai District.
  2. The Revenue Divisional Officer,  
Tiruvannamalai Taluk, Tiruvannamalai District.
  3. The Tahsildar,  
Tiruvannamalai Taluk, Tiruvannamalai District.
- ...Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records and quash the order dated 02.03.2018 passed by the 1<sup>st</sup> respondent vide Na.Ka.No.KA2/2232/2013, which cancelled the assignment patta for the property situated at old survey No.62/1 and new survey No.62/5 of an extent of Hectare 0.03.0 Ares and also direct the respondents to hand over the patta land to the petitioner.



WEB COPY



W.P.No.33866 of 2018

For Petitioner : Ms.S.Suseela Devi

For Respondents : Mr.G.Krishna Raj, AGP

### **ORDER**

This Writ petition has been filed seeking quashment of the order passed by the 1<sup>st</sup> respondent cancelling the assignment patta in respect of the property situated at Old S.No.62/1 and New S.No.62/5 to an extent of Hectare 0.03.0 Ares instead of recovering possession from the third parties and to consequently, direct the respondents to hand over the patta land to the petitioner.

2. The case of the petitioner is that he claims to be belonging to a scheduled caste community. Certain lands in Agaram Sippanthi Village, Tiruvannamalai were earmarked for depressed class darkhast (panchami reserved land). Even as per the revenue records, the said lands were panchami lands during 1927. In 2003, the petitioner applied to the 1<sup>st</sup> respondent seeking for assignment of land for an extent of 0.03.0 Ares situated in old S.No.62/1 and the petitioner's application was forwarded to the 3<sup>rd</sup> respondent, who in turn, allotted the same to the petitioner after making sub-division as survey No.62/5 and patta No.321 dated 01.09.2003





W.P.No.33866 of 2018

counsel on either side and perused the materials available on record, more particularly the order impugned.

4. It is not in dispute that the land in question is situated within half a Mile from the railway station. Therefore, the respondents themselves have admitted that due to certain lapses on the part of the officials in granting the assignment to the petitioner, the assignment was cancelled. It is also not in dispute that the Writ petition was filed in the year 2018 and till date, the petitioner is out of possession of the land allotted to him. Further, this Court in the order dated 08.07.2021 passed the following order:

“Mr.Richardson Wilson, learned Government Counsel appearing for the respondents has relied upon the averments made in the counter affidavit. On hearing him and after having gone through the import of the impugned order, this Court feels that, apart from the petitioner, some other individual got assignment from the very said survey number i.e.,S.No.62/1 which was initially as S.No.61/1 and whether those assignment had been cancelled or not has to be ascertained. That apart, in the impugned order, the District Collector has stated that, there are 17 encroachers in the subject land or the adjacent or nearby lands and those encroachments were directed to be removed by the orders impugned passed by the District Collector, pursuant to which, those 17 encroachers have been removed from the said land or not also has to be ascertained. In respect of two these aspects, a status report to that effect shall be



W.P.No.33866 of 2018

filed by the respondents during the next hearing date.”

WEB COPY

5. Therefore, it is evident that the land assigned in favour of the petitioner was cancelled along with similarly placed persons. In other words, there is no discrimination in cancelling the assignment granted to the petitioner. Even in the impugned order, reference was made to similar cancellation orders passed in respect of assignment of other lands assigned in favour of persons similarly placed like the petitioner.

6. In such view of the matter, this Court does not find any reasons to interfere with the order passed by the 1<sup>st</sup> respondent, as the same is also in tune with Clause 15 of the Revenue Standing orders.

7. For the reasons aforesaid, this Writ petition stands dismissed. No costs. Consequently, the connected Miscellaneous petition is closed.

**09.08.2024**

skt

Index : Yes (or) No  
Neutral Citation : Yes (or) No  
Speaking Order : Yes (or) No

**M.DHANDAPANI, J.**



W.P.No.33866 of 2018

skt

WEB COPY

To

1. The District Collector of Tiruvannamalai,  
Collector Office, Vengikal,  
Tiruvannamalai, Tiruvannamalai District.
2. The Revenue Divisional Officer,  
Tiruvannamalai Taluk, Tiruvannamalai District.
3. The Tahsildar,  
Tiruvannamalai Taluk, Tiruvannamalai District.

W.P.No.33866 of 2018  
and WMP.No.39332 of 2018

09.08.2024