



WP(MD)Nos.8280 to 8282
of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.8280 to 8282 of 2024

and

WMP(MD)Nos.7471, 7494 & 7524 of 2024

G.Selvi	...Petitioner in WP(MD)No.8280 of 2024
Rama	...Petitioner in WP(MD)No.8281 of 2024
R.Jeyanthi	...Petitioner in WP(MD)No.8282 of 2024

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Special Tahsildar,
Tiruchendur Taluk Office,
Tiruchendur, Thoothukudi District.

... Respondents

Prayer in WP(MD)No.8280 of 2024 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in connection with the impugned order passed by the second respondent vide his proceedings in Na.Ka.No.A1/121/97 dated 12.11.2019 and to quash the same as illegal and arbitrary and consequently to direct the



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respondents to reissue Free House Assignment Patta to the petitioner in respect of the land in Plot No.44 to an extent of 0.01.20 hectares situating in 107/6A4 & 107/6A5 in Keela Tiruchendur Village, Tiruchendur Taluk, Thoothukudi District and to hand over the above property to the petitioner.

Prayer in WP(MD)No.8281 of 2024 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in connection with the impugned order passed by the second respondent vide his proceedings in Na.Ka.No.A1/121/97 dated 12.11.2019 and to quash the same as illegal and arbitrary and consequently to direct the respondents to reissue Free House Assignment Patta to the petitioner in respect of the land in Plot No.77 to an extent of 0.01.20 hectares situating in 107/6A4 & 107/6A5 in Keela Tiruchendur Village, Tiruchendur Taluk, Thoothukudi District and to hand over the above property to the petitioner.

Prayer in WP(MD)No.8282 of 2024 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in connection with the impugned order passed by the second respondent vide his proceedings in Na.Ka.No.A1/121/97 dated 12.11.2019 and to quash the same as illegal and arbitrary and consequently to direct the respondents to reissue Free House Assignment Patta to the petitioner in respect of the land in Plot No.80 to an extent of 0.01.20 hectares situating



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in 107/6A4 & 107/6A5 in Keela Tiruchendur Village, Tiruchendur Taluk,
Thoothukudi District and to hand over the above property to the
petitioner.

For Petitioners : Mr.G.Thalaimutharasu

For Respondents : Mr.K.Balasubramani,
Special Government Pleader

* * *

COMMON ORDER

The writ petitioners were granted assignment patta on 19.02.2019 by the second respondent. However, the assigned lands were not earmarked and formally handed over to the beneficiaries. The petitioners have already been representing to the authorities for physically handing over the assigned plot. At this stage, the impugned memorandum dated 12.11.2019 came to be issued by the second respondent cancelling the assigned pattas. Challenging the same, the writ petitions came to be filed.

2.When the similarly placed individual filed WP(MD)No.26589 of 2019, the following order was passed on 09.08.2023:-



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“Heard the learned counsel on either side.

2. The respondents have cited certain reasons in support of the cancellation order in the counter affidavit. One such reason is that some of the assignees are having own houses. But the details have not been given.

3. The respondents are directed to furnish specific particulars. The learned counsel for the petitioners informs the Court that some persons have started construction in the assigned area. Since this Court is seized of the matter, the respondents are directed to ensure that no further constructions takes place in the assigned land. The respondents shall produce all the relevant files.

4. Call this case on 14.08.2023.”

It was also argued that the impugned memorandum is based on the proceedings dated 25.10.2019 issued by the District Collector, Tuticorin. I wanted to know if the petitioners were put on notice before passing the impugned orders. It is beyond dispute that the assignees were not put on notice before the assignment was cancelled.



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3.The learned Special Government Pleader states that the Revenue Divisional Officer, Tiruchendur had submitted a report to the District Collector, Tuticorin that ineligible persons had been issued with assignment pattas. Spot inspection was earlier conducted on 16.09.2019 and it was concluded that the petitioners are not eligible and that is why, the District Collector, Tuticorin issued the aforesaid proceedings. That is the stand of the respondents. The submission of the learned Special Government Pleader does not still meet the question posed by this Court. The fact remains that the petitioners had not been issued with any notice of cancellation prior to passing of the impugned order. On this sole ground, the orders impugned in the writ petition are set aside. The learned Special Government Pleader submitted that the matter may be remitted to the file of the second respondent to pass an order afresh after holding an enquiry.

4.I am not inclined to make such remand. If any credible material has been placed before me to indicate that the writ petitioners were not eligible to get assignment, then, I would have definitely remanded the matter for fresh consideration. No material has been placed before this Court. Only some bald statements have been made by the officials.



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Therefore, the writ petitions are allowed. It is of-course open to the respondents to initiate action for cancellation based on credible materials.

The authorities cannot take their own sweet time. The authorities are directed to earmark the assigned plots and hand over the physical possession to the writ petitioners within a period of sixteen weeks from the date of receipt of a copy of this order. It is of-course open to the authorities to take action for cancellation in the meanwhile. No costs
Connected miscellaneous petitions are closed.

15.04.2024

Index : Yes / No
Internet : Yes/ No
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To

- 1.The District Collector, Thoothukudi District, Thoothukudi.
- 2.The Special Tahsildar, Tiruchendur Taluk Office,
Tiruchendur, Thoothukudi District.



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