



W.P.(MD) No.10963 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.10963 of 2024

Muthu Isakki

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Petitioner

-vs-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Special Tahsildar (Adi-Dravidar Welfare),
Tiruchendur Taluk Office,
Tiruchendur,
Thoothukudi District.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records on the file of the 2nd respondent in connection with the impugned order passed by the 2nd 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 re-issue Free House



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Assignment Patta to the petitioner in respect of the land in Plot No.79 to an extent of 0.01.20 Hectares, situated in S.No.107/6A4 and 107/6A5 in Keela Tiruchendur Village, Tiruchendur Taluk, Thoothukudi District, and to hand over the above property to the petitioner.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.M.Muthumanikkam,
Govt. Advocate.

ORDER

The petitioner, aggrieved by the cancellation of assignment patta, dated 19.02.2019, by the second respondent, has filed the above Writ Petition to quash the impugned order, dated 12.11.2019.

2. The petitioner applied for a free house site patta under Adi-Dravidar Welfare Scheme. The petitioner, in pursuance of an inquiry by the second respondent, was issued with the assignment order for free house site patta in Plot No.79 to an extent of 0.01.20 Hectares in Survey No.107/6A4 and 107/6A5 in Keela Tiruchendur Village, Tiruchendur Taluk, Thoothukudi District, vide proceedings, dated 19.02.2019. Thereafter, the petitioner approached the second respondent with a request to him to demarcate and hand over the said plot to her so as to enable her to construct a house within



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a period of 6 months/12 months from the date of issuance of assignment patta as per the the conditions in the assignment patta. While so, the petitioner was shocked to receive the impugned order, dated 12.11.2019, wherein the petitioner's assignment patta was cancelled. Aggrieved by the impugned order, the petitioner filed the above Writ Petition for the aforesaid relief.

3. Learned counsel for the petitioner submitted that in the impugned order, no reason was given for cancelling the assignment patta and further no notice was also given to the petitioner before cancelling the assignment patta. The learned counsel, therefore, submitted that the impugned order is liable to be set aside.

4. I have heard the learned counsel for the parties and also perused the materials placed on record.

5. From a reading of the impugned order, it is clear that absolutely no reason is given for cancelling the assignment patta. Further, no notice, calling for explanation from the petitioner before cancellation of assignment patta, was also issued. In the impugned order, it is simply stated that based on the proceedings of the first respondent, dated, 25.10.2019, the assignment patta was cancelled. The impugned order does not indicate any grounds for cancellation of patta and further when the proceedings of the first



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respondent, dated 25.10.2019, were relied upon by the second respondent for cancellation of patta, a copy of the said proceedings of the first respondent was to be served on the petitioner, which was not done. Therefore, I am of the view that the impugned order cannot be sustained and the same is set aside. This view of mine is fortified by the order passed by this Court in W.P.(MD) Nos.8280 to 8282 of 2024, dated 15.04.2024.

6. In view of the above discussions, this Writ Petition is allowed. The second respondent is directed to earmark the assigned plot and hand over physical possession of the same to the petitioner within a period of twelve weeks from the date of receipt of copy of this order. It is needless to state that it is open to the authorities to take action for cancellation of patta after following due process of law. No costs. Consequently, the connected W.M.P. (MD) No.9778 of 2024 is closed.

25.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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N.MALA, J.

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