



W.P.(MD) No.920 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.920 of 2018

and

W.M.P.(MD) Nos.968 and 969 of 2018

Kavitha

.. Petitioner

Vs.

The Sub Collector,
Palani,
Dindigul District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records of the respondent made in proceedings No.MR IV/232/PLN dated 10.03.2017 and quash the same.

For Petitioner : Mr.S.Karthick

For Respondent : Mr.B.Saravanan
Additional Government Pleader



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ORDER

Seeking to quash the order passed by the respondent dated 10.03.2017 in Proceedings No.MR IV/232/PLN, the petitioner is before this Court.

2. The brief facts are as follows:

The petitioner would submit that one P.R.Vengatachala Gounder owned a property to an extent of 17.40 Acres of punja land situate at S.No.250/1A, Alangiyam Village, Dharapuram Taluk, Dindigul District. These lands were acquired by the Government of Tamil Nadu under Section 18(1) of the Tamil Nadu Land Reforms Act, 58/1961 and a notification was issued on 11.12.1985. Thereafter, the lands were assigned to the father of the petitioner viz., Perumal, who had made the requisite payment and on 17.04.1995, the petitioner's father and others obtained 'F' patta in their favour. The petitioner and his family members were carrying on agricultural work in the aforesaid land. However, due to water scarcity, they were unable to continue the agricultural work and



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thereafter, they started growing *seemaikaruvelai* trees and were cutting it and eking out their livelihood. All of a sudden, by the impugned order, the patta has been cancelled. Therefore, she is before this Court.

3. A counter has been filed by the respondent *inter alia* admitting the fact that an assignment has been granted to the petitioner. In the said counter, the respondent has stated that as per Condition No.8 of the 'F' deed Agreement, the land would vest in the name of the assignee after expiry of a period of 20 years from the date of assignment. He would submit that in 2013, they had received a representation from one Sangilithurai that the patta holder's name has not been recorded in the revenue records and the surplus lands were under the enjoyment of the land owner from whom the land was purchased and when physical verification was carried out, it was stated that the assignees had not entered upon the land and kept it in their possession and the same continues to be termed as “surplus lands”. Therefore, proceedings for cancellation had not been initiated.



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4. The respondent would further submit that the petitioner's mother had appeared for enquiry on 06.03.2017 and had stated that the lands were in her possession and that she had mutated the revenue records in favour of her legal heirs. He would also submit that the 'F' deed has not been executed by the legal representatives after the demise of the original assignee. He would also submit that the assignees have not cultivated their land and therefore, since they have violated the conditions, the patta was cancelled.

5. The learned counsel for the petitioner would submit that there has been no violation of the conditions of the assignment. Since the petitioner was suffering from huge water scarcity, they had stopped cultivation and were utilising the *karuvelai* trees in the property for their livelihood. The learned counsel for the petitioner would submit that the submissions made during the enquiry have been twisted out of context and the patta has been cancelled. Therefore, he would seek to have the impugned order set aside.



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6. Mr.B.Saravanan, learned Additional Government Pleader would submit that the petitioner's mother had herself admitted that there was no agricultural activity being carried out in the lands, which is clear violation of the conditions of assignment. Therefore, the impugned order cannot be called in question.

7. A perusal of the deed of assignment dated 17.04.1995 and its condition does not anywhere reflect that the non-cultivation would result in the cancellation of patta. That apart, a perusal of the Form-F would clearly show that the entire amount of Rs.250/-, which was the value fixed for the land and buildings has been paid on the date on which the patta has been granted. Clause 8 would state that “on the payment of the value of the land, the same would vest absolutely on the assignee”. Since there is no violation of the conditions of assignment and the value having been paid, the impugned order cannot be sustained and accordingly, the same is set aside.



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8. In the result, this Writ Petition is allowed and the impugned order is set aside. The assignment patta is directed to be restored back to the petitioner's name. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

The Sub Collector,
Palani,
Dindigul District.



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P.T.ASHA, J.

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