



W.P(MD)No.10723 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P(MD)No.10723 of 2018
and
W.M.P(MD)No.9818 of 2018

Vadivel

... Petitioner

Vs.

- 1.The District Collector,
Trichirappalli District,
Trichirappalli.
- 2.The District Revenue Officer,
District Collectorate,
Trichirappalli District,
Trichirappalli.
- 3.The Thasildar,
Srirangam Taluk,
Trichirappalli District,
Trichirappalli.
- 4.The Block Development Officer,
Panchayat Union Office,
Manickadam Panchayat,
Srirangam Taluk,
Trichirappalli District,
Trichirappalli.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the proceedings in Na.Ka.Aa2/39993/2013, dated 04.05.2018 on the file of the second respondent and quash the same.

For Petitioners : Mr.Illanchezian

For R-1 to R-3 : Mr.B.Saravanan
Additional Government Pleader

For R-4 : Mr.J.Gunaseelanmuthia

ORDER

The present writ petition has been filed to quash the order, dated 04.05.2018 passed by the second respondent.

2. The case of the petitioner is that originally, S.Nos.179/2A, 179/2D, 179/2G, 179/1, 179/2F, 2H, 3, 179/4A, 179/2C, 179/2E and 179/4B belonged to one Thanappa Chettiyar and it was given to charity, namely, Thannerpanthal Arakkattalai in the year 1864. Subsequently, on the death of the above said Thanappa Chettiyar, the charity became defunct. Thereafter, the lands were given to the fore-fathers of the petitioner in the year 1937 for lease and on 04.11.1974, the lands had been declared as excess lands by the Authorised



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Officer [Land Reforms], Thiruchirappalli. The petitioner would submit that the Authorised Officer assigned the above said lands to an extent of 11.28 acres in the name of Maruthai Muthireyar [grand-father of the petitioner], Manickam Muthireyar and Jambulingam Muthireyar, who are the brothers of the petitioner's father. Thereafter, in the month of October 1977, an agreement was entered into between the Government and the above said assignees in and by which the assignees agreed to pay the sale consideration in eleven equal monthly installments. In the year 1984, Maruthai Muthireyar died and the entire lands were shared between the legal heirs, namely, Chinnasamy, Manickam and Jambulingam. He would further submit that patta, chitta and adangal are all stand in the name of the petitioner, his father, brothers and grand-father Maruthai even before the issuance of patta under the UDR scheme in the year 1982. On 17.07.1992, the Tahsildar, Thiruchirappalli has also given a certificate stating that the assignees had paid the entire sale price without any default. While so, on 07.01.2013, the Revenue Divisional Officer, Trichy called the petitioner and the other legal heirs of Maruthai for enquiry regarding the cancellation of patta and passed orders on the same day cancelling the patta. Aggrieved by the same, the petitioner's father, Chinnasamy filed a writ petition in W.P(MD)No.10446 of 2013. This Court by its order, dated 04.07.2013,



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disposed of the writ petition stating that the impugned notice cannot be quashed, as it only a show cause notice and the petitioner has also participated in the enquiry. However, this Court had directed the respondents to pass appropriate orders within a period of four weeks. The respondents were directed not to take coercive steps till the order is passed. Meanwhile, the fourth respondent by its proceedings, dated 10.06.2013, requested the District Registrar, Thiruchirappalli, not to entertain any sale deeds in respect of the above said lands and has also erected a Board to the effect that "The dispute in respect of this land is pending before the Revenue Divisional Officer, Thiruchirappalli".

3. The petitioner would further submit that he filed a writ petition in W.P(MD)No.10301 of 2014 directing the respondents to remove the Board and to withdraw the communication of the fourth respondent, dated 10.06.2013 pursuant to notice, dated 05.05.2014 on behalf of the petitioner. The said writ petition was disposed of vide orders of this Court, dated 30.01.2018, directing the District Revenue Officer to consider the petitioner's application and pass orders within a period of six weeks. Before the order copy was made ready, the second respondent referring to the writ petition, passed orders on 01.02.2018



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by cancelling the patta given to the petitioner and his brothers in respect of S.Nos.179/2A, 179/2D, 179/2G, 179/1, 179/2F, 2H, 3, 179/4A, 179/2C, 179/2E and 179/4B. He would submit that the second respondent had not given any opportunity to the petitioner and the legal heirs of Maruthai before passing the orders.

4. The petitioner would further submit that challenging the order of the second respondent, he filed a writ petition in W.P(MD)No.3185 of 2018. On 14.03.2018, the said writ petition was allowed and the order, dated 01.02.2018, set aside and the matter was remitted back to the second respondent for passing orders afresh. In pursuance to the orders of this Court, dated 14.03.2018, the second respondent by the impugned proceedings, dated 04.05.2018, called the petitioner to appear for enquiry with regard to S.Nos.179/2D, 2G, 1, 2f, 2h, 3, 4A, 2C, 2E and 4B in Pallakadu Village, Athavathur West, Srirangam Taluk, Trichy District.

5. The contention of the petitioner is that the earlier writ petition in W.P(MD)No.3185 of 2018 was filed in respect of S.No.179/1. However, the present notice has been issued with respect to S.Nos.179/2D, 2G, 1, 2f, 2h, 3,



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4A, 2C, 2E and 4B, which is in no way connected to the earlier proceedings.

Therefore, the writ petition.

6. Heard the learned Counsels on either side.

7. The learned Counsel for the petitioner submitted that subsequent to the order passed in W.P(MD)No.3185 of 2018, the respondents have filed a writ appeal in W.A(MD)No.207 of 2019.

8. Considering the fact that the impugned notice seeks to include properties, which were not the subject matter of the earlier writ petition, the impugned notice, dated 04.05.2018 is set aside. It is made clear that till the disposal of the writ appeal, further proceedings shall not go on in respect of the lands comprised in S.No.179/1 or the lands covered under the impugned notification. After the disposal, it is well open to the respondents to issue a fresh notice and initial proceedings thereafter.



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9. In view of the above, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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

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P.T.ASHA, J.

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