



W.P.(MD) No.21315 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21315 of 2024

Chinnasamy

.. Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Palani, Dindigul District.
- 2.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.
- 3.The Block Development Officer,
Oddanchatram Panchayat Union,
Dindigul District.
- 4.The President,
Thangachiammapatti Village Panchayat,
Oddanchatram Taluk,
Dindigul District.
- 5.Mariyammal @ Pattammal
- 6.Vanjammal

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the first respondent to pass order on the application of the petitioner for cancellation of assignment Patta issued in favour of the respondents 5 and 6 in Survey Nos.560/9 and 560/30 at Thangachiammapatti Village and further direct the respondents 3 and 4 not to provide any fund for construction of scheme house to the respondents 5 and 6 till passing of final order by the first respondent.

For Petitioner : Mr.D.Venkatesh
For R1 to R4 : Mr.P.Thambidurai
Government Advocate

ORDER

The petitioner has filed this writ petition for the issue of Writ of Mandamus directing the first respondent to pass orders on the petitioner's application for cancellation of the assignment patta granted in favour of respondents 5 and 6 in respect of S.Nos.560/9 and 560/30 of Thangachiammapatti Village, Oddanchatram Taluk, Dindigul District and directing respondents 3 and 4 not to provide any fund for construction of scheme house to respondents 5 and 6 till the final orders of the first respondent.



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2. The facts on which the case of the petitioner has been predicated are as follows:

The petitioner would submit that the lands comprised in Natham S.No.560/9 measuring an extent of 6.50 cents of the aforesaid village is in the joint possession of the petitioner and his coparceners viz., Arumugam and Perumal Gounder. Even prior to 1950, their ancestors have been in possession and enjoyment of the same using it as cattle shed. Since third parties were interfering, one of the coparceners viz., Arumugam made an application on 10.10.2013 before the second respondent for issuance of patta, since the land has been classified as Natham. There was also family partition in the year 1951 in which this survey number has been shown as one of the boundaries. The application made on 10.10.2013 did not yield the desired result. Once again the petitioner and Arumugam had renewed the request on 08.01.2024. Once again there was no response and the third application was made on 05.03.2024. In the meantime, on 24.03.2015, the petitioner had made a representation to the fourth respondent in which he had



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stated that he had been in possession and enjoyment of the property in question for over 100 years and requested that his application for grant of patta be considered.

3. While so, the petitioner came to learn that the fifth and sixth respondents have been granted an assignment patta in S.No.560/9 as early as in the year 2017 and all this has been done without even taking into consideration the applications that have been made by the petitioner since 2013. On coming to know about the above, the petitioner had filed an application on 21.06.2019 before the second respondent, who had by his memo dated 31.12.2019 directed the Village Administrative Officer of Thangachiammapatti Village to conduct an enquiry on the basis of the complaint. However, no enquiry has been conducted by the second respondent. Hence, the petitioner gave a representation to the first respondent for taking action to cancel the patta issued in favour of the third parties. The petitioner also learned that on 28.08.2020, the Revenue Inspector attached to the office of the second respondent had submitted a report stating that respondents 5 and 6 had been granted



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assignment patta for two cents each by his proceedings dated 20.05.2017 by subdividing the survey number as S.Nos.560/9 and 560/30. The remaining extent of 2.50 cents stands as vacant site in S.No.560/31.

4. To cut a long story short, despite several representations and an enquiry notice on 15.10.2020, by the second respondent coupled with the detailed report sent by the second respondent to the first respondent, the petitioner's grievance has not been redressed to date. Therefore, the petitioner is before this Court.

5. Heard the learned counsel on either side.

6. The records would clearly show that while the petitioner's application for grant of patta has been pending, the official respondents have proceeded to grant patta to respondents 5 and 6 without taking into account the petitioner's application, which has been made as early as in the year 2013 itself followed by several representations. It is informed that the patta standing in the name of the petitioner has not been



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cancelled. Therefore, a mandamus is issued to the first respondent to pass orders on the application of the petitioner within a period of two months from the date of receipt of a copy of this order. The first respondent is also directed not to cancel the patta till the conclusion of the proceedings.

7. With the above direction, this Writ Petition is allowed. No costs.

06.09.2024

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

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P.T.ASHA, J.

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