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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4175 of 2025

Jamuna

..Petitioner

Vs.

1. The District Collector,
Collector office,
Thiruvannamalai District.
2. The District Revenue Officer,
District Revenue Office,
Vengikkal, Thiruvannamalai District,
Pincode 606 604
3. Revenue Divisional Officer,
Revenue Divisional office,
Arani, Thiruvannamalai district,
Pincode – 632 301
4. The Tahsildar,
Office of the Tahsildar,
Pollur Taluk, Pollur,
Pincode – 606 603
5. Village Administrative Officer, Kalpattu Village,
Kattukanallur Via,
Pollur Taluk, Thiruvannamalai District,



Pincode – 632 312

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6. Sowbakkiyam

7. Manjula

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 4 herein to cancel the illegal assignment order issued in favour of the respondents 6 and 7 and recently patta in their name and issue new assignment order and patta in Petitioners favour in respect of Survey No. 237, Kalpattu Revenue Village, Irumbuli Village 51 by considering her representation dated 05.12.2022 and the representation dated 06.02.2023 and also based on the recommendation of the 1st Respondent in his Proceedings in O.Mu.AA4/614923/2023 dated 20.02.2023 and by the Village Panchayat within the stipulated period prescribed by this Honble Court

For Petitioner : Mr.N.Neethidurai

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R5

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the official respondents to deal with the representation made by the petitioner on 05.12.2022 wherein the petitioner is seeking for



cancellation of the assignment order made in favour of respondents 6 and 7 in the year 2009.

2. Heard Mr.N.Neethidurai, learned counsel for the petitioner and Mr.A.Selvendran, learned Special Government Pleader for Respondents 1 to 5.

3. The case of the petitioner is that she is in possession and enjoyment of the property and that inspite of the assignment order, the possession was not taken by the private respondents. However, an attempt is now being made to interfere with the possession and enjoyment of the petitioner. Therefore, the petitioner made a representation seeking for cancellation of the assignment patta. Since the same was not considered, the present writ petition has been filed before this Court.

4. In the considered view of this Court, there seems to be a private dispute between the petitioner and the private respondents. If the petitioner is in possession of the property and an attempt is being made by the



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private respondents to interfere, the petitioner has to go before the competent civil court and work out her remedy. The petitioner cannot be allowed to approach this Court and make use of the writ jurisdiction and seek for the cancellation of an assignment made in the year 2009. If inspite of the assignment made in favour of the private respondents, the petitioner is in possession and enjoyment of the property, it is for the petitioner to establish it before the competent civil Court and get the remedy. There is no scope for this Court to direct the authorities to cancel the assignment patta that was granted as early as in the year 2009 based on the representation made by the petitioner. Except giving this clarity and liberty, no further orders can be passed in this writ petition.

5. This writ petition is disposed of in the above terms. No costs.

13.02.2025

Index : Yes/No
Internet : Yes/No
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.

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