



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 2767 of 2024

K.Madeswaran

Petitioner(s)

Vs

1. The District Collector,
District Collectorate Office,
Salem District, Salem - 636 001.

2.The District Adi Dravidar and Tribal Welfare Officer,
District Collectorate Office, Salem District,
Salem - 636 001.

3.The Revenue Divisional Officer,
RDO Office, Vinayagapuram, Attur Taluk,
Salem District - 636 102.

4.The Tahsildar,
Attur, Salem District

5.The Special Tahsildhar (Adi Dravidar Welfare)
Attur Taluk, Salem District.

Respondent(s)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorarified Mandamus, to call for records pertaining to the Memo in Na.Ka. 17055 / 2023 / Aa2 dated 03.10.2023 passed by the Respondent No. 1 and to quash the same consequently direct the Respondent No. 4 to hand over the land in Survey No 239/2 of Thulukunur Village, Attur Taluk, Salem district as mentioned in the free House Patta No 327 / Vee. Ma.Pa 1403 dated 29.06.1994 issued by the Respondent No.4 herein to the petitioner and other legal heirs of the petitioner's father namely, Late.



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Kandasamy.

For Petitioner(s): Mr.P.Vetrivel

For Respondent(s): Mr.T.M.Rajangam
Government Advocate

ORDER

This Writ Petition is filed challenging the order dated 03.10.2023 passed by the 1st respondent and for a direction to the 4th respondent to handover possession of the subject property to the petitioner.

2. The learned counsel appearing for the petitioner would submit that the petitioner belong to Arundhathiyar community. In the year 1994, the petitioner's father namely, P.Kandasamy made an application for assignment of patta in terms of RSO-21 and upon satisfaction of the necessary requirements, the 4th respondent / Tahsildar granted assignment patta in favour of the petitioner's father on 29.06.1994 in Survey No.239/2 to an extent of 0.060.0 ares. After assignment of the land, the petitioner's father put up a hut in the said land and was in possession and enjoyment of the same and, after his demise in the year 1998, his legal heirs including the petitioner were in possession and enjoyment of the subject property. While so, on 21.02.2023, the Officials of the 5th respondent without issuing any notice came to the site and removed the



hut put up by the petitioner's father. When the petitioner confront the same, the Officer namely, Manickam threatened the petitioner and booked the petitioner under false cases. Aggrieved by the illegal eviction, the petitioner made a representation on 27.02.2023 before the 1st respondent however, the 1st respondent rejected the petitioner's representation by order dated 03.10.2023. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that admittedly, the assignment patta was granted by the 4th respondent in favour of the petitioner's father on 29.06.2024 while he was alive and it was equally undisputed that the petitioner's father died in the year 1998. As per the assignment condition, the petitioner's father has to put up hut or any construction within a period of twelve months from the date of assignment. If the same is not complied, the respondents 1 to 4 is entitled to revoke the assignment order by passing cancellation order. However, till 2023, the assignment order was not cancelled by issuing show cause notice to the petitioner. While so, all of sudden, in the year 2023, the Official respondents removed the hut put up by the petitioner's father, which is not acceptable and the same is in violation of the Revenue Standing Orders. Accordingly, he prayed for appropriate orders.



4. The learned Government Advocate appearing for the respondents would submit that till 2023, the assignment granted in favour of the petitioner's father was not cancelled and the same was confirmed by the Deputy Tahsildhar, Attur, Salem District appeared before this Court. The Deputy Tahsildar, who appeared before this Court would submit that in view of the violation of the condition, the hut was removed in the year 2023 to protect the Government property.

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

6. The facts of the present case is that the petitioner's father while he was alive, he obtained assignment patta in terms of RSO-21 with a condition, the petitioner's father either has to put up a hut or any construction within a period of twelve months and it is equally undisputed fact, the petitioner's father died in the year 1998 and during his life time, no action was taken by the respondents for cancellation of the assignment patta. On the ground of alleged violation and, without cancelling the patta, evicting the petitioner from the said property is not acceptable. It is stated that the petitioner is a Government Employee. However, the Government Employee is entitled to succeed the estate of the deceased father and without cancelling the assignment, eviction carried out by the 4th respondent is not acceptable. Hence, the impugned order passed by the



1st respondent is quashed. It is stated that fence has been put up by the respondents to restrain the petitioner from entering the land. The 4th respondent is directed to remove the fence and handover possession of the subject property to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition is allowed with the above terms. No costs.

18-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Salem District Salem 636 001.

2. The District Adi Dravidar And Tribal Welfare Officer,
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Salem 636 001.

3. The Revenue Divisional Officer,
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M.DHANDAPANI J.

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