



WEB COPY



W.P.No.21534 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21534 of 2018
and W.M.P.No.25289 of 2018

1. N.Arunachalam
2. N.Shanmugasundaram

...Petitioners

-Vs-

1. The Sub Collector,
Pollachi,
Coimbatore District.

2. The Tahsildar,
Pollachi Taluk,
Pollachi,
Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Ceriorari, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.1493/2017/B1, dated 23.03.2018 and quash the same.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader



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ORDER

This writ petition has been preferred as against the order passed by the first respondent dated 23.03.2018, thereby cancelled the order of assignment of patta.

2. The petitioners had assigned land to an extent of 22 and 28 cents respectively comprised in S.No.643/B8 & 643/B3 situated at Vettaikaranpudur Village, Pollachi Taluk, Coimbatore District and issued Ryotwari patta on 11.09.1995. While being so, one Kavya's brother had purchased lands in and around the subject land and insisted the petitioners also to sell the subject land in his favour. When the petitioners refused to sell their lands, on the representation submitted by the said Kavya's brother, there was an inspection and thereafter the first respondent cancelled the assignment of land on the ground that the petitioners were not in possession and did not cultivate the same for more than one year. Hence, the petitioners filed the present writ petition.



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3. The learned counsel appearing for the petitioner submitted that the petitioners were not served with any notice and the respondents did not give any opportunity of hearing to the petitioners. It is clear violation of principles of natural justice and as such, the order cannot be sustained.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of the records, it is revealed that the petitioners along with others assigned patta on 11.09.1995. Insofar as the petitioners are concerned, they were assigned land in survey Nos.643/B8 & 643/B3 respectively situated at Vettaikaranpudur Village, Pollachi Taluk, Coimbatore District to an extend of 22 and 28 cents respectively by an order dated 11.09.1995. While assigning the land, there was a condition that the subject land should not be sold out to any third party within a period of three years from the date of assignment and the assignee shall cultivate the said land. The assignee shall not hand over the land to any body.



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6. On receipt of the complaint, there was an inspection over the subject land. On inspection, it was found that the petitioners were not in possession of the subject property and they also failed to cultivate the said land for more one year stipulated as one of the conditions. Thereafter notice dated 11.09.2017 was issued through Village Administrative Officer it was also informed to the assignees through Thandora. The said notice categorically stated that if any objection, they shall raise within a period of fifteen days from the date of the notice. However, there was no objection raised by the petitioners. Therefore, the first respondent rightly passed the order thereby cancelled the assignment patta issued in favour of the petitioners. This Court finds no infirmity or illegality in the order passed by the first respondent.

7. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

01.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rts



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G.K.ILANTHIRAIYAN. J.

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