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WP No. 22350 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 22350 of 2024

AND

WMP NO. 31729 OF 2024 and WMP NO. 24343 OF 2024

1.THOPPACHI

Petitioner(s)

Vs

1. The District Collector

District Collectorate, Dharmapuri
District

2.The District Revenue Officer

Dharmapuri District, Dharmapuri

3.The Revenue Divisional Officer

Reveneue Divisional Office Harur Taluk,
Dharmapuri District

4.The Tahsildar

Harur Taluk, Dharmapuri District

5.KALIAPPAN

S/o Muniyagoundar, Melpachar
Village, Mothakkal Post, Thandrampet
Taluk, Tiruvannamalai District

Respondent(s)



PRAYER

Call for the records of the 2nd respondent made in Ni. Mu. No 11767/ 2019 / Tha. 2 dated Marh 7, 2023 and 3rd respondent in Ni. Mu. 3246 / 2016 (AA2) dated July 3, 2019 and quash the same and consequentially direct the respondents not to disturb possession in S. No 281/5 in Patta No. 862, Mandhikulampatti village, harur Taluk, Dharmapuri district

For Petitioner(s): Mr.M. Guruprasad
for Mr.J.Pradeep

For Respondent(s): Mr. D. Ravichander
Special Government Pleader
for R1 to R4
M/s. D. Giribabu for R5
No Appearance

ORDER

This writ petition has been filed, challenging the order passed by the second respondent dated 07.03.2023, whereby confirming the order passed by the third respondent dated 03.07.2019, whereby the assignment patta issued in favour of the petitioner was cancelled on the complaint submitted by the fifth respondent herein.



2. The petitioner was assigned two acres of land comprised in survey No.60/1E, 61/2E and 64/3B situated at Melpachaar Village, Thandarampattu Taluk, Thiruvannamalai District in patta No.436, 441, 682 in the year 2007.

3. The petitioner was in possession and enjoyment by cultivating the same. I think so, after a period of sever years, the fifth respondent submitted a petition to cancel the patta issued in favour of the petitioner on the ground that the petitioner residing somewhere else and not in the assigned land. Further, the petitioner did not cultivate the same and kept the land vacant. These are violations of conditions imposed at the time of assignment of the subject land.

4. On receipt of the complaint, the third respondent herein, conducted enquiry and cancelled the assignment patta issued in favour of the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the second respondent herein and the same was also dismissed.



5. On perusal of the records and the counter affidavit filed by the second respondent, it is revealed that the petitioner was issued free assessment agricultural patta for the petitioner's land, which was originally classified as Government Poramboke, on condition that the petitioner shall not own a piece of land in petitioner's name or in the name of the petitioner's legal heirs, the petitioner should not be employed with any Government bodies, the petitioner should not be earning more than twenty four thousand per annum and the petitioner should be the resident of the patta issuing village.

6. The petitioner was a landless poor and was selected as a beneficiary. Accordingly, the petitioner was assigned patta in the petitioner's land ad measuring two acres.

7. The complaint was lodged by the fifth respondent, on the ground that the petitioner was residing somewhere else and not in the patta land. Further, the petitioner did not cultivate the said land. Infact, the fifth respondent disturbed the peaceful possession and enjoyment of the petitioner and as such the



petitioner filed a suit for declaration and injunction as against the respondents in O.S. No.64 of 2016. It was decreed by the Judgment and Decree dated 08.08.2019 as against the fifth respondent herein and the suit was dismissed as against the respondents 1 to 4 therein.

8. Aggrieved by the same, the fifth respondent has also preferred an appeal suit in A.S. No.29 of 2019, which was also dismissed by the Judgment and Decree dated 12.12.2022.

9. While pending suit, the fifth respondent submitted representation before the third respondent to cancel the patta assigned in favour of the petitioner. Further, it is revealed that the Government of Tamil Nadu with the Government of India, in the year 2015, proposed to construct a new National Highway - 179A for ease of traffic and to lighten the hardship faced by the people in accessing the Inter-State buses connecting Salem with Chennai via Thiruvannamalai and Harur. They also proposed to acquire the subject land. However, subsequently the entire project was stayed by virtue of an order



passed by this Court. However, it was the main reason for cancelling the patta issued in favour of the petitioner.

10. On receipt of the complaint from the fifth respondent, there was an enquiry by constituting a special enquiry team. On receipt of the said report from the special enquiry team, it was concluded that the petitioner did not cultivate the subject land and that the petitioner was residing in some other village.

11. Perusal of the record reveal that though the petitioner is residing at Tiruvannamalai District, the assigned land is at boundary to the Dharmapuri District and it is located in the petitioner's village.

12. Perusal of the Judgment and Decree passed in O.S. No.64 of 2016 dated 08.08.2019 reveal that the petitioner is in possession and enjoyment of the subject property and the petitioner is cultivating the same continuously.



13. Thus, it is clear that only to avoid payment of compensation to be given for the acquisition proceedings to form a road from Chennai to Salem via Tiruvannamalai is mobilized. Therefore, further there is absolutely no reason for the delay to cancel the assignment patta that too after a period of seventeen years. It is also pertinent to note that the fifth respondent lodged a complaint and on the said complaint, they conducted enquiry and passed orders.

14. The respondent Nos.1 to 4 did not take any steps on their own and only in order to satisfy the fifth respondent herein, the complaint was entertained and assignment for the patta was cancelled. In fact, the petitioner obtained Judgment and Decree as against the fifth respondent for declaration and injunction. Therefore, there is no violation of the conditions of the assignment and as such the third respondent ought not have cancelled the assignment patta granted in favour of the petitioner.

15. Though, the fifth respondent was served and a counsel appeared before this Court, no one is present today either by person or through the



pleader. However, the fifth respondent filed counter in this writ petition.

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16. On perusal of the counter, accordingly to the fifth respondent, the petitioner holds patta land in petitioner's village and the petitioner did not cultivate the subject land for a long period. Perusal of records reveal that the petitioner had purchased another land only in the year 2014 that is after a period of seven years from the date of the assignment in favour of the petitioner. Therefore, the grounds raised by the fifth respondent were not proved before the third respondent to cancel the assignment patta in favour of the petitioner.

17. Even assuming that the petitioner possessed the same land, as per the Revenue Standing Order No.15 of Part II - Disposal of Land, clause No.3 speaks about Ordinary Rules which apply to the disposal of assessed land not being reserved. Clause No.3 speaks about the definition for "landless persons". Accordingly, "landless persons" means a person who owns a total extent of less than 1.21.5 hectares of land, if dry, or a total extent of less than 60.5 areas, if wet. Therefore, the petitioner can possess less than 1.21.5 hectares of land if it is



dry and 60.5 areas if it is wet.

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18. Even till today, the petitioner is in possession and enjoyment of the land and cultivating the same. That apart, on perusal of the order passed by the third respondent, the petitioner was not issued any notice. Only after the receipt of the complaint from the fifth respondent, the third respondent received reports from the officials and passed orders. By merely sending the copies to the petitioner would not amount to service of notice and the petitioner was granted an opportunity of hearing. Therefore, it is a clear violation of principles of natural justice.

19. In view of the above, the orders impugned in this writ petition cannot be sustained and liable to be quashed. Accordingly, the orders impugned in this writ petition are quashed and this writ petition is allowed. No Costs. Consequently, connected writ miscellaneous petitions are closed.

14-10-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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G.K.ILANTHIRAIYAN J.

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