



WEB COPY



W.P.No.22682 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

CORAM:

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

W.P.No.22682 of 2019 and
WMP.Nos.22166 & 22167 of 2019

Kaliammal

... Petitioner

Vs.

1.The Sub Collector,
Palaghat, Pollachi, Tamil Nadu 642 001

2.The Tahsildar,
Palaghat, Pollachi, Tamil Nadu 642 001

3.The Village Administrative Officer,
116, Thingamuthu Village,
115, Kumarapalayam, Pollachi Taluk, Pollachi

4.Thangamuthukannan

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorari calling for the entire records on the
file of the first respondent vide proceedings in Na.Ka.No. 3229 / 2017 /
A2 dated 29.01.2019 and quash the same.

For Petitioner : Mr.D.Udhayasuriyan



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For Respondents

For R1 to 3 : Mr.T.Arun Kumar,
Additional Government Pleader

For R4 : No appearance

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 29.01.2019 thereby rejecting the request made by the petitioner to cancel the patta issued in favour of the fourth respondent.

2. In respect of the land comprised in survey No.19/2A2, 19/2B1, 19/2B2 to an extent of 0.73 hectares situated at Thimmankuthu Village, Pollachi, the petitioner was assigned conditional patta. The deed of assignment was executed in favour of her on 05.10.1983 by the Assistant Commissioner of Land Reforms, Coimbatore under Section 94 of the Madras Land Reforms (Fixation of Ceiling of Land) Act, 1961 (Madras Act 58 of 1961). From that date, she is doing cultivation in the subject land. All of sudden, the fourth respondent attempted to interfere with the peaceful possession and enjoyment of the subject property on the ground. Therefore, the petitioner submitted representation before the second respondent. Thereafter, the third respondent conducted enquiry

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and submitted report. Based on the report of the third respondent, the second respondent submitted a detailed report recommending to remove the fourth respondent's name in the patta and to include the petitioner's name in the revenue records. However, by the impugned order, the first respondent cancelled the patta and re-assigned the same in favour of the fourth respondent citing the proceedings in Na.Ka.No.4162/93/P dated 25.11.1996 of the Assistant Commissioner of Land Reforms, Coimbatore.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3. Though notice was served on the fourth respondent, no one appeared on behalf of the fourth respondent before this Court today either in person or through pleader.

4. It is the submission of the learned Additional Government Pleader appearing for respondents 1 to 3 that though the petitioner was assigned conditional patta, by the impugned order, her patta has been cancelled and the fourth respondent has been re-assigned the patta. He further submitted that the writ petition itself is not maintainable since against the order passed by the first respondent, there is appeal remedy

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under Rule 10 of the Tamil Nadu Land Reforms (Disposal of Surplus

Land) Rules, 1965. As against the order passed by the appellate authority, there is revisional jurisdiction before the Land Commissioner. Therefore, when there is appeal remedy very much available, the petitioner without exhausting the appeal remedy and revisional remedy, filed this writ petition. As such, this writ petition is not maintainable.

5. On perusal of records, it is revealed that the petitioner has not been given opportunity before passing the impugned order. Hence, it is clear violation of principles of natural justice. Though the petitioner has appeal remedy, on the ground of violation of principles of natural justice, this writ petition is very much maintainable.

6. In view of the above, the impugned order cannot be sustained and the same is liable to be set aside. Accordingly, the impugned order passed by the first respondent dated 29.01.2019 is set aside. The conditional patta assigned in favour of the petitioner is restored.



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7. With the above directions, this writ petition is allowed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

lok

To

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