

W.P.(MD) No.3624 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.3624 of 2025
and
W.M.P(MD)No.2568 of 2025

Nallammal

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai District, Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.29395/2021/J3 dated 13.01.2025 on the file of the first respondent and quash the same as illegal and consequently direct the respondents to restore the patta to the petitioner's name in respect of house site comprised in Survey No.43/11 admeasuring 0.00.87.0 sq.mtr situated at Alathur Village, Madurai North Taluk, Madurai District within time stipulated by this Court.

For Petitioner : Mr.S.Prabhu



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For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioner challenges the impugned proceedings on the file of the first respondent in Na.Ka.No.29395/2021/J3, dated 13.01.2025 and consequently, to restore the patta in her name in respect of S.No.43/11 admeasuring 0.00.87.0 sq.mtr at Alathur Village, Madurai North Taluk, Madurai District. The petitioner claims to be an agricultural coolie and her husband, namely, Selvaraj expired on 26.12.2022, when he was engaged in construction menial work. The petitioner is blessed with two sons and one daughter, who are under the care and protection of the petitioner, who is a widow. The petitioner belongs to the economically weaker section and sought benefit under the Andhiyothaya Anna Yojana (AAY) Scheme through Public Distribution System, free of cost. The petitioner was assigned a house site in S.No.43/11 admeasuring 2.15 cents under patta No.237 at Alanthur Village, Madurai North Taluk, by proceedings in Na.Ka.No.6466/19/A3, dated 18.10.2019. It is not in dispute that the petitioner has been an enjoyment of the said assigned land. The petitioner submits that she was unaware of the condition that construction has to be put up within a period of 6 months-1 year as per Revenue Standing Order 21. The petitioner further submits that soon after the

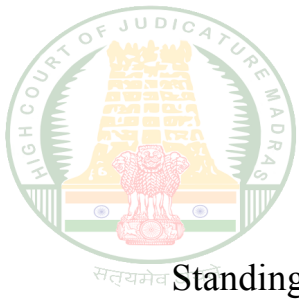


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assignment in her favour, Covid-19 struck and being an agricultural coolie, the petitioner was facing difficulty to make ends meet and furthermore, loss of her husband on 26.12.2022 was also a further blow to the petitioner and being a widow, she was burdened with the duty of taking care of her three children by herself and she was not in a position to put up construction in the assigned land. However, it appears that based on an application or complaint from a third party/ neighbouring assignee, the first respondent, by proceedings dated 06.11.2024 has called upon the petitioner to appear for enquiry and show cause as to why the free house site patta should not be cancelled for violation of condition, namely, Revenue Standing Order 21. Thereafter, the first respondent has passed an order on 13.01.2025 cancelling the free house site patta issued to the petitioner on the ground that the condition to put up construction within 6 months -1 year has not been complied with. The petitioner therefore challenges that order in the present writ petition.

2. Mr.S.Kameswaran, learned Government Advocate, would submit that the neighbouring assignee owner, one Kannan has brought to the notice of the first respondent that the petitioner has not complied with the condition in Revenue



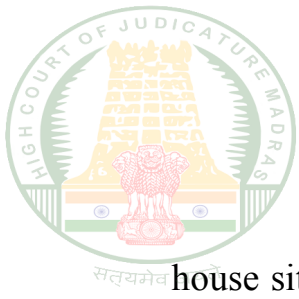
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Standing Order 21 by putting up construction of a house within 6 months-1 year from the date of allotment/assignment. Therefore, admittedly, when even according to the petitioner, construction has not been put up, the order of the first respondent was wholly justified and he would further submit that the same does not call for any interference, that too in the present writ petition under Article 226 of Constitution of India.

3. I have heard both sides and also gone through the records available.

4. Admittedly, the petitioner was given assignment of a free house site only on 18.10.2019. She had a period up to one year to put up construction on the said site. It is common knowledge that in March-2020, Covid-19 struck and caused a blow to the entire nation for more than a year. Even the Courts intervened and sympathised with litigants and extended even the period of limitation during the period of covid-19 lock downs. In the light of the above, I see no unreasonable delay on the part of the petitioner in not complying with the condition in the Revenue Standing Order 21. Further, the petitioner's husband also died on 26.12.2022 and left not only herself, but also three minor children. In such view of the matter, the first respondent ought not to have proceeded to cancel the free



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house site patta granted to the petitioner. The very object of issuing a free house site patta to the persons hailing from economically weaker section is, to give them some sort of comfort and protection. That being the object of the scheme itself, the respondent, considering the various intervening circumstances, namely Covid-19 as well as demise of the husband of the petitioner, ought to have taken a sympathetic view in favour of the petitioner and not proceeded to cancel the patta issued to the petitioner.

5. In such view of the matter, I am inclined to set aside the order of the first respondent dated 18.10.2019 in Na.Ka.No.6466/19/A3 and remit the matter to the first respondent to reconsider the violation of Revenue Standing Order 21 sympathetically, on account of the delay and non-compliance of the condition was only for valid and justifiable reasons. The first respondent shall afford an opportunity of hearing to the petitioner, who shall produce the death certificate of her husband and also evidence of other compelling factors, if any, which prevented her from putting up construction within a period of one year. Thereafter, the first respondent shall pass orders taking a sympathetic view in view of the object of issuance of free house site patta and may grant such sufficient time to the petitioner to comply with condition in Revenue Standing



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Order 21, if the first respondent takes a final decision to not cancel the assignment and thereafter, if there is any violation, the first respondent may take suitable action for cancellation. The first respondent shall issue notice to the petitioner and after hearing the petitioner shall dispose of the proceedings within a period of twelve(12) weeks. It is made clear that the objections of third party may be considered only in the light of the allegation of encroachment, if any and not otherwise.

6. With the above direction, this Writ Petition is disposed of. No costs.
Consequently, connected Miscellaneous Petition is closed.

10.02.2025

Rmk

NCC: Yes/No

Index : Yes / No

To

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P.B.BALAJI, J.

Rmk

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