



W.P.(MD)No.7492 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.7492 of 2025

and

W.M.P.(MD)No.5644 of 2025

Devadoss

: 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, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.29395/2021/J3 dated 13.01.2025 passed by the 1st Respondent in so far as it pertains to petitioner and quash the same as illegal, consequently direct the Respondents to restore the patta in the name of petitioner



W.P.(MD)No.7492 of 2025

in respect of the house site comprised in Survey No.43/10, measuring 0.00.87 sq. Meter, situated at Alathur Village, Madurai North Taluk, Madurai District within a time frame stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Bethanasamy

For Respondents : Mr.B.Saravanan

Additional Government Pleader

ORDER

The petitioner challenges the order of the first respondent dated 13.01.2025, for cancellation of assignment on the ground of violation of condition, namely not putting up construction within the requisite time lines.

2.Learned Counsel for the petitioner would invite my attention to my earlier order in W.P.(MD)No.3624 of 2025 dated 10.02.2025.

3.Learned Additional Government Pleader would also fairly submit that the present Writ Petition also challenges the very same order that was challenged in the other writ petition in W.P.(MD)No. 3624 of 2025.



W.P.(MD)No.7492 of 2025

WEB COPY

4. In view of the above, this Writ Petition is also allowed, setting aside the impugned order and remitting 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, being only for valid and justifiable reasons. The first respondent shall afford an opportunity of hearing to the petitioner, who shall produce the documents, if any, which prevented him 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 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.



W.P.(MD)No.7492 of 2025

WEB COPY

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

19.03.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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W.P.(MD)No.7492 of 2025

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W.P.(MD)No.7492 of 2025

P.B.BALAJI., J.

MR

W.P.(MD)No.7492 of 2025

19.03.2025