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W.P(MD)NO.23874 of 2018 and 3 other
cases

**BEFORE THE MADURAI BENCH OF MADRAS HIGH
COURT**

DATED:22.08.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)Nos.23874 of 2018, 1755 of 2019, 1582 of 2019 and 23875
of 2019

and

W.M.P(MD)Nos.21604, 21603 of 2018 and 1509,1362 and 1363 of
2019

W.P(MD)No.23874 of 2018 and
W.P(MD)No.1755 of 2019

Marikannu

... Petitioner

W.P(MD)No.1582 of 2018 and
W.P(MD)No.23875 of 2018

Kanakammal @ Kaliasammal

...Petitioner

.Vs.

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Tenkasi Taluk,
Tirunelveli District.

... Respondents in
all W.Ps.



W.P(MD)NO.23874 of 2018 and 3 other cases

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PRAYER in W.P(MD)No.23874 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the Petitioner's property situated in S.No.461/11, Boganallur Village, Tenkasi Taluk and consequently direct the respondents to pay the damages of Rs.10 lakhs to the Petitioner.

PRAYER in W.P(MD)No.1755 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the documents pertaining to the impugned order of cancellation of patta passed by the second respondent vide Na.Ka.A3/10672/2010, dated 30.08.2010 changing the classification of patta land into Government Poramboke land in S.No461/11 and quash the same as un-sustainable and consequently direct the respondents to include the name of the Petitioner as patta holder of respective land after re-changing its classification.

PRAYER in W.P(MD)No.1582 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the documents pertaining to the impugned order of cancellation of patta passed by the second respondent vide Na.Ka.A3/10672/2010, dated 30.08.2010 changing the classification of patta land into Government Poramboke land in S.No461/12 and quash the same as un-sustainable and consequently direct the respondents to include the name of the Petitioner as patta holder of respective land after re-changing its classification.

PRAYER in W.P(MD)No.23875 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from interfering



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with the peaceful possession and enjoyment of the Petitioner's property situated in S.No.461/12, Boganallur Village, Tenkasi Taluk and consequently direct the respondents to pay the damages of Rs.10 lakhs to the Petitioner.

For Petitioner : Mr.K.P.Narayanakumar
in all W.Ps

For Respondents : Mrs.S.Jeya Priya
1 and 2 Govt. Advocate
in all W.Ps'

COMMON ORDER

W.P(MD)Nos.1755 and 1582 of 2019 are filed by the respective Petitioners challenging the order passed by the second respondent cancelling the assignment patta issued in favour of Petitioners in S.Nos.461/11 and 461/12, Boganallur Village, Tenkasi Taluk.

2.W.P(MD)Nos.23874 and 23875 of 2018 are filed by the respective Petitioners seeking issuance of a Writ of Mandamus forbearing the respondents from interfering with their peaceful possession and enjoyment of the assigned land in the above mentioned survey numbers and also directing the respondents to pay compensation for the damages caused to the trees and crops standing in the assigned lands.



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

4.According to the Petitioners, they are belonging to very poor family and eking out their livelihood by doing coolie work. In a Government Scheme for assignment of barren land for poor people, the Petitioners were assigned with an extent of 28.5 ares of land each in the subject survey number by the order passed by the second respondent, dated 30.09.2003. The petitioners started cultivating the subject property and raised fruit bearing trees like Gooseberry, mango, sapotta and drum-stick. The respondents forcibly entered into the properties of the Petitioners on 15.11.2018 and caused severe damages to the trees and beneficial crops raised therein by the Petitioners. Therefore W.P(MD)Nos. 23874 and 23875 of 2018 were filed by the Petitioners seeking the above mentioned relief including damages caused to them.

5.The respondents have filed counter and taken a stand that the assignment order in favour of the petitioners were cancelled by the subsequent order passed by the third respondent on 30.08.2010. After acquiring knowledge about the said cancellation order, other two writ petitions in W.P(MD)Nos.1582 and 1755 of



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2019 are filed.
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6.The learned counsel for the petitioners would vehemently contended that the impugned order of cancellation were passed without hearing the petitioners and therefore,the same is liable to be set aside on the ground of violation of natural justice principles.

7.A reading of the impugned orders would suggest that notice was issued to the Petitioners and they also submitted their explanations and the second respondent informed that the explanations submitted by them was not convincing and the hence, the impugned orders were passed.

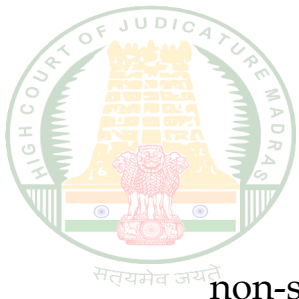
8.Mrs.S.Jeya Priya, learned Government Advocate appearing for the respondents 1 and 2 was directed to produce the files to establish that the Petitioners were heard before passing of the impugned orders.

9.The learned Government Advocate, on instruction from the second respondent, would submit that the files relating to the cancellation orders are missing in the office and therefore, the same is not retrievable.



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10.A reading of the impugned orders would show that a show cause notice was issued to the petitioners and they also submitted their explanations. However, there is no discussion in the impugned order as to why explanations submitted by the Petitioners were not accepted. According to the second respondent, the Petitioners failed to cultivate the property and therefore, assignment order in their favour were cancelled. Further, it is the specific stand of the Petitioners that they raised fruit bearing trees in the subject properties and the same were destroyed by the respondents. The fact remains that the Petitioners submitted their explanations to the second respondent and the details of the explanations submitted by the Petitioners and the reason for rejection of the explanations are not at all discussed in the impugned orders. The second respondent simply says that explanations submitted by the Petitioners are not acceptable and therefore the assignment orders have been cancelled. In the impugned orders, absolutely there is no discussion regarding the merits of the explanations submitted by the Petitioners. By cancelling the assignment orders in favour of Petitioners, the second respondent is adjudicating the substantial rights of the parties. The reason for rejecting the explanations offered by the Petitioners shall be reflected in the impugned orders. In the absence of the same, the impugned orders is only a



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non-speaking order and the same is liable to be set aside on that ground alone.

11.In fine, W.P(MD)Nos.1582 of 2019 and 1755 of 2019 filed by the Petitioners challenging the cancellation orders passed against them are set aside and the matter is remanded back to the file of the second respondent with a direction to afford reasonable opportunity to the Petitioner and pass a speaking order within a period of 12 weeks from the date of receipt of a copy of this order.

12.W.P(MD)Nos.23874 and 23875 of 2018 are filed seeking mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the property and to pay compensation to the tune of Rs.10 lakhs to the Petitioners for the damages caused to the trees and the crops standing in the subject properties. Whether the Petitioners have grown trees and fruit bearing crops in the subject property and whether the trees and crops were damaged by the respondents are all disputed questions of fact which cannot be gone into conveniently in the Writ jurisdiction. Therefore this Court is not inclined to grant the prayer as sought for in the above Writ petitions and accordingly, W.P(MD)Nos.23874 and 23875 of 2018 are disposed of with liberty to the Petitioners to approach the competent Civil Court to work out their remedy in the manner known to law. Till final



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orders are passed by the second respondent, after remand, status-quo of the subject property, as on today, shall be maintained. No costs. Consequently, connected Miscellaneous Petitions are closed.

22.08.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Tenkasi Taluk,
Tirunelveli District.



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S.SOUNTHAR.,J.

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COMMON ORDER MADE IN

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