



W.P.No.8871 of 2020

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 08.06.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.8871 of 2020**

**And**

**W.M.P.No.10778 of 2020**

M.Bakiyaraj

... Petitioner

Vs.

- 1 The District Collector  
District Collector's Office  
Kallakurichi District.
- 2 The Revenue Divisional Officer,  
Kallakurichi District.
- 3 The Tahsildar,  
Chinna Salem,  
Kallakurichi District.
- 4 The Block Development Officer, (VP)  
Chinna Salem,  
Kallakurichi District.
- 5 Lalitha

... Respondents

**Prayer:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the fourth respondent in his proceedings Na.Ka.No.A4/2948/2019 dated



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02.12.2019 under MGNREGS Scheme passed in favour of the fifth respondent and quash the same.

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For Petitioner : Mr.Elumalai  
for M/s.A.Thendral

For Respondents : Mr.C.Prabakaran for R1 to R4  
Government Counsel  
Mr.S.Venkatesh for R5

### **O R D E R**

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records on the file of the fourth respondent in his proceedings Na.Ka.No.A4/2948/2019 dated 02.12.2019 under MGNREGS Scheme passed in favour of the fifth respondent and quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the agricultural land in S.No.46/7, situated at V-Mamandhur Post, Chinna Salem, Kallakurichi and the said land was obtained by the petitioner by way of inheritance. The petitioner's father came to know that the subject property was illegally allotted to the fifth respondent by the third respondent in A9/DKD 45/1410 dated 21.12.2000 and hence, he made representation to the



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respondents seeking to cancel the D-Memo, however no action was taken. Whiles, the fifth respondent filed O.S.No.261 of 2008 before the District Munsif Court at Kallakurichi against the petitioner and his father and the said suit was dismissed for default on 28.07.2017. Even then the fourth respondent passed the impugned order in favour of the fifth respondent granting subsidy for constructing varappu. Hence, the petitioner made representation to the respondents seeking to cancel the impugned order, however, there is no response.

3.The learned counsel appearing for the fifth respondent submitted that the DKT patta was issued in favour of the fifth respondent as early as on 21.12.2000 and challenging the same, the petitioner's father filed W.P.No.19717 of 2008 and this Court vide order dated 09.03.2011 observed that 'when the petitioner himself has admitted in his affidavit filed in support of the writ petition that the lands comprised in Survey Nos.45/4, 46/1 and 46/7 have already been given by way of issuing patta in favour of respondents 5 to 7, as rightly contended by the learned counsel for the respondents, the petitioner cannot maintain the present writ petition seeking issuance of patta, unless and until the patta proceedings issued in favour of the respondents 5 to 7 are challenged before the competent court after



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getting civil court decree establishing the ownership and title of the land in his favour. Accordingly, this Court, finding no merits in the present writ petition, dismiss the same.'

4.The learned counsel appearing for the fifth respondent further submitted that the fifth respondent filed O.S.No.261 of 2008 before the District Munsif Court at Kallakurichi for permanent injunction against the petitioner and his father and after the order dated 09.03.2011 was passed in W.P.No.19717 of 2008, they did not disturb the peaceful possession of the fifth respondent and the fifth respondent was not able to appear before the District Munsif Court at Kallakurichi and hence the said suit was dismissed for default on 28.07.2017. Thereafter, the petitioner filed O.S.No.64 of 2020 before the District Munsif Court at Kallakurichi for permanent injunction against the fifth respondent and the same was dismissed for default on 06.04.2023.

5.The learned Government Counsel appearing for the respondents 1 to 4 submitted that assignment patta was issued in favour of the fifth respondent as early as on 21.12.2000 and challenging the same, the petitioner's father filed W.P.No.19717 of



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2008 and this Court vide order dated 09.03.2011 dismissed the said writ petition and without challenging the said order, the petitioner has filed this writ petition which is not sustainable one. He further submitted that upon satisfaction of the assignment granted in favour of the fifth respondent, the impugned order was passed which warrants no interference.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Perusal of records reveal that DKT patta was issued in favour of the fifth respondent on 21.12.2000 and challenging the same, the petitioner's father filed W.P.No.19717 of 2008 and this Court vide order dated 09.03.2011 dismissed the said writ petition. The fifth respondent filed O.S.No.261 of 2008 before the District Munsif Court at Kallakurichi for permanent injunction against the petitioner and his father and since the fifth respondent did not appear before the District Munsif Court at Kallakurichi, the said suit was dismissed for default on 28.07.2017. Thereafter, the petitioner filed O.S.No.64 of 2020 before the District Munsif Court at Kallakurichi for permanent injunction against the fifth respondent and the said suit



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was also dismissed for default on 06.04.2023. The records further reveal that upon satisfaction of the assignment granted in favour of the fifth respondent, the impugned order was passed which warrants no interference.

8.The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

**08.06.2026**

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Index: Yes/ No  
Speaking Order: Yes/ No  
NCC: Yes/ No

To

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- 4 The Block Development Officer, (VP)  
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6/7



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