

W.A.(MD) No.1238 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2026

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD) No.1238 of 2024
and
C.M.P(MD) No.9530 of 2024**

1.The District Revenue Officer,
District Collectorate,
Virudhunagar.

2.The Revenue Divisional Officer,
Virudhunagar,
Virudhunagar District.

3.The Tahsildar,
Taluk Office,
Srivilliputhur,
Virudhunagar District.

... Appellants/Respondents

Vs.

1.B. Alagarsamy,
S/o Balakrishnan,
No. 66, Pandian Nagar,
Indira Nagar Street,
Srivilliputhur,
Virudhunagar.

...1st Respondent/Writ Petitioner



W.A.(MD) No.1238 of 2024

2.P. Ganesamurthy,
S/o Paramasivam,
Vaduka Patti Village,
Movaraivendran Post,
Srivilliputhur Taluk,
Virudhunagar District.

... 2nd Respondents/4th Respondent

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.06.2022 passed in W.P.(MD).No.1951 of 2017 on the file of this Court.

For Appellants : Mr.S.Vasik Ali,
Counsel for state of Tamil Nadu

For Respondents : M/s.B. Asha - for R1

JUDGMENT

[Judgment of the Court was delivered by A.D.JAGADISH CHANDIRA , J.]

This writ appeal is directed against the order of the learned Single Judge, dated 22.06.2022 passed in W.P.(MD).No.1951 of 2017.

2. For the sake of convenience, the parties are referred to herein, as their own ranking as before the learned Single Judge.

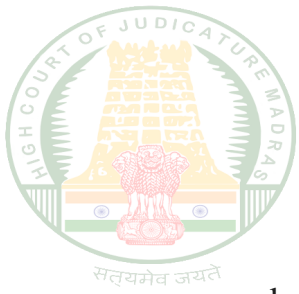


W.A.(MD) No.1238 of 2024

WEB COPY

3. The case of the writ petitioner is that the writ petitioner vide sale deed, dated 21.04.2011 purchased the petition mentioned land from the original assignee. Alleging that the sale was perceived as a breach of the assignment condition, the impugned order cancelling the assignment was passed. Challenging the cancellation W.P.(MD)No.1951 of 2017 was filed by the petitioner. The learned Single Judge holding that after effecting mutation of the revenue records in the name of the purchaser, the revenue authorities cannot be permitted to cancel the very same assignment on the ground that there was no prior permission obtained from the revenue authorities for transfer of assignment and relying on the Division Bench judgment of this Court in the case of ***T.Thirumalai Gounder & others Vs The State of Tamil Nadu, rep. by its Secretary to Government, Land Administration, Fort St.George, Chennai & others*** reported in ***2010 (5) L.W 289***, had allowed the writ petition. Challenging the same, the present writ appeal has been filed by the respondents.

4. The learned counsel for the State of Tamil Nadu appearing for the appellants/respondents would submit that the writ petitioner had



W.A.(MD) No.1238 of 2024

purchased the assigned land in violation of the conditions of assignment.

As per the conditions of assignment, the assigned land shall not be alienated for a period of 10 years from the date of assignment and that too the sale can be effected only after obtaining prior permission either from the Tahsildar or Revenue Divisional Officer, whereas, the writ petitioner has not obtained such permission and the learned Single Judge without considering the same has allowed the writ petition.

5. Per Contra, the learned counsel appearing for the respondent/writ petitioner would submit that the original assignment was made on 30.03.1999 and the writ petitioner had purchased the land on 21.04.2011 after the period of 10 years. Subsequently, a patta has also been granted in favour of the petitioner dated 06.05.2011. The Revenue Authorities having effected mutation of revenue records in the name of the writ petitioner cannot cancel the assignment on the ground that there was no prior permission and the learned Single Judge rightly relying on the judgment in the case of ***T.Thirumalai Gounder*** cited supra, had allowed the writ petition and there is no infirmity in the order passed by the learned Single Judge.



W.A.(MD) No.1238 of 2024

WEB COPY

6. As stated by the learned counsel for the respondent/writ petitioner, the sale had been effected after 10 years of assignment and subsequent to the purchase by the petitioner, mutation has also been effected in favour of the respondent / purchaser/writ petitioner on 06.05.2011 only after enquiry patta had been issued and by grant of patta the subsequent transfer has been recognised. The facts of the writ petitioner's case is squarely applicable in all 4 corners in the judgment of ***T.Thirumalai Gounder's*** case. The learned Single Judge considering the above aspects and passed the order. We thereby do not find any infirmity or illegality in the order of the learned Single Judge. Hence, the Writ Appeal is liable to be dismissed.

7. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.]

[R.P., J.]

24.07.2026

Index : Yes / No

NCC : Yes / No

RM

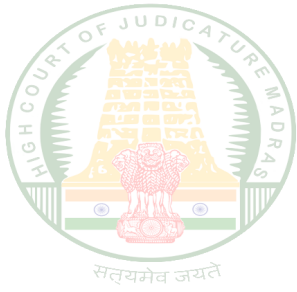


W.A.(MD) No.1238 of 2024

WEB COPY

Copy to

- 1.The District Revenue Officer,
District Collectorate,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Virudhunagar,
Virudhunagar District.
- 3.The Tahsildar,
Taluk Office,
Srivilliputhur,
Virudhunagar District.



WEB COPY



W.A.(MD) No.1238 of 2024

A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

RM

JUDGMENT MADE IN
W.A(MD)No.1238 of 2024

DATED : 24.07.2026