



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2015

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P(MD).No.7759 of 2013 and
M.P(MD).No.1 of 2013

S. Susheela

... Petitioner

Vs.

1.The Principal Secretary /
Commissioner of Land Administration,
Land Administration Department,
Chepauk, Chennai.

2. The District Revenue Officer,
Thiruchirappalli.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned order vide Rc.NO.G1/27055/12 dated 10.04.2013 passed by the 1st respondent and quash the same.

For Petitioner ... Mr.T.Antony Arulraj

For Respondents ... Mr. Chandrasekar

Government Advocate

ORDER

This Writ Petition has been filed praying to call for the records relating to the impugned order, vide Rc.NO.G1/27055/12 dated 10.04.2013, passed by the first respondent and quash the same.

2. The petitioner was allotted land premises in S.Nos.108/7 and 109/4, measuring to an extent of 0.80.0 hectares, in the Venkatachalapuram Village, Thuraiyur Village, Trichy District, under the Landless Poor Agriculturist Families Land Assignment Special Scheme, 2006 of the Tamil Nadu Government. The petitioner contends that he developed the property after allotment and the revenue records have been changed in the petitioner's name. However, the said allotment was cancelled, by order dated 28.09.2012, on the ground that the petitioner is not a resident of Venkatachalapuram, by the second respondent. Challenging the said cancellation order, the petitioner preferred an appeal before the



first respondent. Till the disposal of the appeal, interim petition has been filed seeking stay of cancellation of assignment. The said petition was dismissed, holding that there is no valid ground for grant of stay. The said order has been challenged before this Court.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate.

4. It is seen from the records that the petitioner was allotted assigned land on 07.09.2007 and for five years she enjoyed the property, by developing the same. However, by virtue of order dated 28.09.2012, the assignment order was cancelled. Against which the petitioner has rightly preferred an appeal.

5. A perusal of the impugned order would disclose that it is a non speaking order. Moreover, if the stay is not granted in the appeal, the petitioner's possession would be lost and in that event the property would be allotted to third parties. Further, the property would be sold in favour of third parties, resulting in accrual of third party rights. The said situation would make proceedings more complex resulting in impleading of beneficiaries. Therefore, the order passed by the first respondent vide Rc.NO.G1/27055/12, dated 10.04.2013, is set aside and the stay of the cancellation order is directed to be in force till the disposal of the appeal. The first respondent is directed to dispose of the appeal, after giving an opportunity of hearing to the petitioner, as expeditiously as possible.

6. Accordingly, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary /
Commissioner of Land Administration,
Land Administration Department, Chepauk, Chennai.

2. The District Revenue Officer, Thiruchirappalli.

+1cc to Mr.G.R.SWAMINATHAN, Advocate Sr.No.67870

+1cc to Spl.GOvernemnt Pleader Sr.No.67374

TRP

AA/GSV-AN/21.12.2015/2p-5c

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