

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.221 of 2015

&

MP.No.1 of 2015

S.Anbalagan

...Appellant

Vs

1. The Tahsildar,
Kallakurichi Taluk,
Villupuram District.
2. The Revenue Divisional Officer,
Kallakurichi, Villupuram Dist.,
3. The District Revenue Officer,
Villupuram District.
4. The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai - 600 005.

...Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 23.7.2013 passed in W.P.No.8351 of 2005 by which the order passed by the 3rd respondent viz., District Revenue Officer, Villupuram dated 27.09.2003 was confirmed in respect of Survey No.109/3 of Namasivayapuram Village, Kallakurichi Taluk, Villupuram District.

W.P.No.8351 of 2005:

Writ Petition filed under Article 226 of the constitution of India any other appropriate writ or any other order calling for the records of the third respondent viz. District Revenue Officer Villupuram Dist. in proceedings bearing no. Na.Ka.AA.No. 8/60473/99 dated 27.6.2004 and quashing the same and consequently directing the respondents to restore the assignment of the lands in the revenue records admeasuring 2.62 acres comprised in survey No.109/3 Kallakurichi Taluk by passing necessary orders confirming the assignment and also directing the respondents to collect the then market price

prevalent at the time of assignment for my lands admeasuring 1.23-1/2 acres comprised in survey No.108/11 situated in Namasivayapuram Village Kallakurichi Tk. in DKT No.227/80 on 8.9.1970 and to pass such further orders.

For Appellant :Ms.Fathima Fabiob
For Mr.G.S.Selvatharasu

For Respondents : Mrs.A.Sree Jayanthi
Special Government Pleader
for R1 & R2

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The Special Deputy Tahsildhar vide proceedings dated 08.09.1970 assigned 3.26 acres of land in Survey No.108/11 to Thiru. Periyanna Gounder. The appellant is the Legal Representative of the original assignee.

2. The District Revenue Officer, initiated proceedings for cancellation of the assignment, as according to him, conditions of assignment were not adhered to by the assignee. The proposal sent by the District Revenue Officer to the Revenue Divisional Officer, Kallakurichi for cancellation of the assignment was challenged by the appellant before the learned single Judge. The Writ Petition was dismissed. The learned single Judge made it clear that it is open to the appellant to approach the District Revenue Officer, Villupuram for payment of market rate for the land in Survey No.108/11 as fixed by the Special Commissioner and Commissioner of Land Administration. The order is under challenge at the instance of the appellant.

3. We have heard the learned counsel for the respective parties.

4.The challenge in the Writ Petition was to the communication sent by the District Revenue Officer to the Revenue Divisional Officer, Kallakurichi. There was no adverse order passed by the Government for cancellation of the assignment . The appellant without there being an adverse order rushed to the writ court to quash the inter departmental proceedings. We are of the view that no cause of action has arisen to file a writ petition before this Court. It is always open to the statutory authority to pass orders on merits. Similarly, it is open to the appellant to challenge the same, if it is adverse to his interest.

5. In the upshot, we dismiss this writ appeal. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

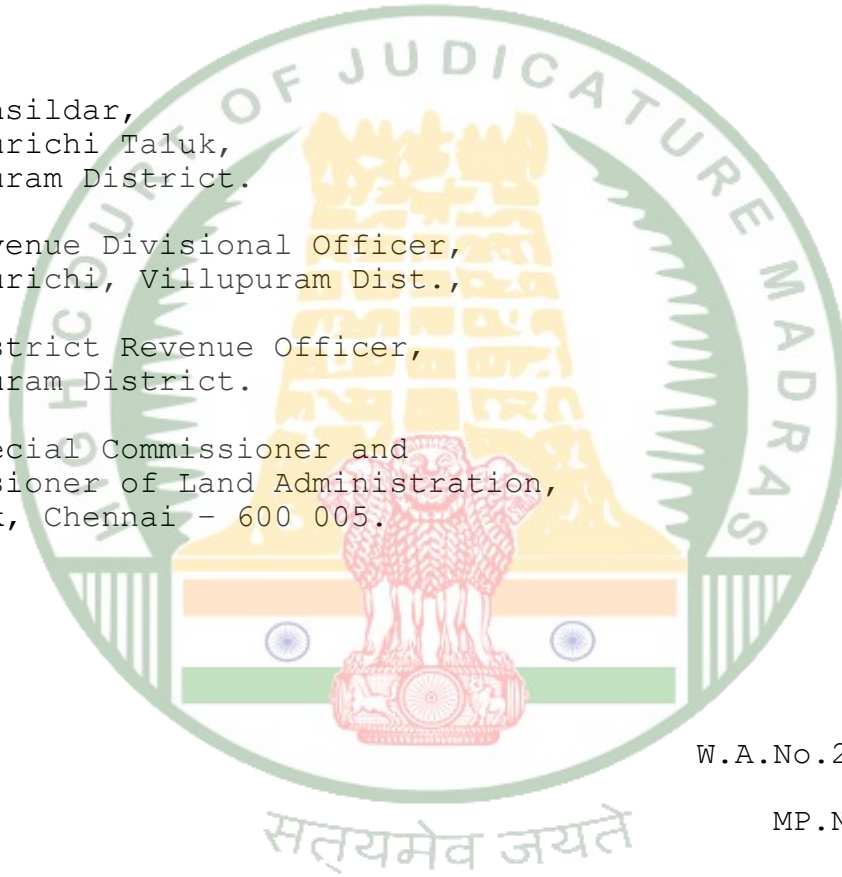
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

To

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Kallakurichi Taluk,
Villupuram District.
2. The Revenue Divisional Officer,
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3. The District Revenue Officer,
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KAN (CO)
SP (13/03/2018)

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