

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30802 of 2007

N.Palanisami

... Petitioner

Vs.

1.The State of Tamil Nadu, rep. by
the Secretary to Government, Land Administration,
Fort St. George, Chennai - 600 009.

2.The Special Commissioner & Commissioner (Land Reforms)
Chennai.

3.The Assistant Commissioner
(Land Reforms)
Erode.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the 3rd respondent in MM No. 282/2007/A1 and to quash the Order dated 12.03.2007.

For Petitioner : Mr.T.M.Hariharan

For Respondents: Mr.K.Ravikumar
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition challenging the order of the third respondent, dated 12.03.2007, wherein and whereby the petitioner's request for furnishing certified copy of the Deed Assignment dated 17.11.1975 was rejected by the third respondent.

2.It is stated by the petitioner that originally, on 17.11.1975, the land measuring to an extent of 1.40 Acre in Survey No.66/1A in Nalloor Village, had been allotted to one Arumugam by the 1st respondent (State of Tamil Nadu), under the provisions of Section 94 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. Subsequently, the said Arumugam had conveyed the said land in favour of one Manogar by

executing a Sale Deed dated 15.11.1989. Thereafter, the petitioner herein has purchased the said land from Manogar on 31.03.2004 under registered Sale Deed dated 31.03.2004. After the purchase, the Revenue authority has also granted Patta in favour of the petitioner. The Thasildar has also certified that the land in question has been registered in favour of the petitioner on 17.10.2005. Thereafter, the petitioner, through his counsel, has applied to the 3rd respondent for a certified copy of the Original Order of Assignment issued in favour of the assignee Arumugam. Since the petitioner was Most Backward Community, he applied for the certified order copy of assignment to the third respondent in favour of Arumugam. But, the 3rd respondent has rejected the said request of the petitioner by way passing the impugned order stating that the assignee Arumugam has sold the property to the person, who does not belong to the Adi Dravidar community and violated the conditions imposed in the assignment order. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4. It is submitted by the learned counsel Mr. T. M. Harikrishan appearing for the petitioner that the petitioner is entitled for the issuance of certified copy of the Assignment Order, because the petitioner has purchased the property from one M. Monakaran, who already purchased the land from the original assignee Arumugam. Further, the alienation by the original Assignee Arumugam was only after the expiry of ten years stipulated under Rule 9 of the Tamil Nadu Land Reforms (Disposal of Surplus Lands) Rules. Hence, the petitioner is entitled to receive the certified copy of the original assignment order dated 17.11.1975 made in favour of the said Arumugam. However, without considering genuine request of the petitioner, the 3rd respondent has rejected the request of the petitioner by way of the impugned order.

5. On perusal of the impugned order passed by the 3rd respondent, it is seen that the reason assigned by the 3rd respondent for rejecting the request of the petitioner is not satisfactory. When there is no provision either in the Rule 9 of the said Rules or in the Assignment Order, preventing the assignee from receiving the copy of the Assignment there is no justification on the part of the 3rd respondent in rejecting the request of the petitioner for issuance of a certified copy of the Assignment Order. The petitioner is entitled to a certified copy of the original assignment order if available in records.

6. Hence, the writ petition is allowed and the impugned

order is set aside. The writ petitioner is permitted to make a representation to the 3rd respondent, with regard to issuance of certified copy of the Assignment Order dated 17.11.1975, within a period of one week from the date of receipt of copy of this order. On receipt of the same, the 3rd respondent shall furnish the same positively and pass appropriate orders within a period of eight weeks thereafter. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

gmd

To

- 1.The Secretary to Government, Land Administration,
Fort St. George, Chennai - 600 009.
- 2.The Special Commissioner & Commissioner (Land Reforms)
Chennai.
- 3.The Assistant Commissioner
(Land Reforms)
Erode.

+lcc to Mr.T.M.Hariharan, Advocate, S.R.No. 50855
+lcc to the Government Pleader, S.R.No. 51857

सत्यमेव जयते

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SJ(CO)
GN(06/09/2018)

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