



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

**W.P. (MD)No.3252 of 2019**

**and**

**W.M.P. (MD)No.2533 and 2534 of 2019**

Maruthupillai

... Petitioner

Vs

1.The Sub-Collector,  
RDO office,Paramakudi,  
Ramanathapuram District.

2.The Tahsildar,  
Paramakudi,  
Ramanathapuram District.

3.Karuppiah

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to calling for the records relating to the impugned order passed by the first respondent dated 07.12.2018 in g/K/m 3/623/2017 and quash the same as illegal.

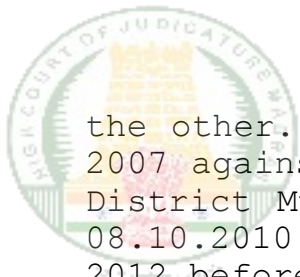
|                |                                         |
|----------------|-----------------------------------------|
| For Petitioner | : Mr.SP.Vijay Nivas                     |
| For R1 and R2  | : Mr.M.Rajarajan<br>Government Advocate |
| For R3         | : Mr.M.Arumugam                         |

**ORDER**

The writ petitioner was assigned 4 cents of land vide proceedings dated 30.09.2002 issued by the Tahsildar, Paramakudi. The said assignment was cancelled by the Sub Collector, Paramakudi vide order dated 07.12.2018. The ground on which the assignment was cancelled was that the assignee did not construct the house as mandated in the assignment order.

2.Heard the learned counsel on either side.

3.It is seen that the assignment order was cancelled at the instance of one Karuppaiah, the third respondent herein. The said Karuppiah lodged a complaint before the first respondent leading to cancellation of the assignment made in favour of the writ petitioner. It is seen from records that there was a civil dispute between the writ petitioner on one hand and the said Karuppiah on



the other. The writ petitioner along with others filed O.S.No.87 of 2007 against the said Karuppiyah and three others on the file of the District Munsif Court, paramakudi. The said suit was dismissed on 08.10.2010. Questioning the same, the petitioner filed A.S.No.23 of 2012 before the Sub Court, Paramakudi.

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4.The First Appellate Court vide judgement and decree dated 28.11.2013 allowed the said First Appeal. After losing in the Civil Court, the said Karuppiyah filed a complaint before the Sub Collector for cancelling the assignment made in favour of the writ petitioner.

5.The specific case of the writ petitioner is that eventhough the Government was kind enough to assign land in question in his favour, he was not able to put up construction due to the obstruction of the said Karuppiyah. The writ petitioner was constrained to file a suit for declaration and permanent injunction. Karuppiyah was responsible for, the writ petitioner not being able to put up a construction. And this was raised as a ground for cancellation of the assignment itself. The first respondent was also swayed by the said contention. The first respondent failed to note that the petitioner was unable to raise construction on account of the objections made by the Karuppiyah. The first respondent did not also consider the Civil Court proceedings between the writ petitioner and Karuppiyah.

6.The complaint of the said Karuppiyah is malafide. The first respondent ought to have rejected it. I therefore find that the impugned order is liable to be set aside and it is set aside. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Sub-Collector,  
RDO office, Paramakudi,  
Ramanathapuram District.

2.The Tahsildar, Paramakudi,  
Ramanathapuram District.

+1CC to M/s.SP.VIJAYNIVAS, Advocate SR-55525

+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.55659

+1 CC to M/s.M.ARUMUGAM, Advocate SR-55916

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