



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.1.2020

CORAM :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.25484 of 2013 & MP.No.1 of 2013

G.Senjilakshmi ...Petitioner
Vs
1.The District Revenue Officer,
Cuddalore.
2.S.Mohanasundaram
3.Kalian
4.Rajakannu ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the impugned order dated 06.8.2013 of the 1st respondent herein in his proceedings Na.Ka.Vi.2/ 3805/2013 wherein the 1st respondent herein had cancelled that the assignment with respect to the lands in Marungoor Village Old S.No.765/1A (New S.No.164/1A) measuring Hc 1.90.5 and declared to be taken over by the Government and further transferred patta with respect to lands in Marungoor Village old S.No.765/1B (New S.No.164/1B) measuring Hc 1.77.5 in favour of one Manickkam and quash the same.

For Petitioner :	Mr.D.Ravichander
For Respondent-1:	Mr.N.Srinivasan, AGP
For Respondent-2:	Mr.A.E.Chelliah, SC
	for Mr.C.Saifullah
For Respondents 3&4	No Appearance

ORDER

I have heard the learned counsel on either side.

2. The petitioner has filed this writ petition seeking to quash the order passed by the first respondent dated 06.8.2013. By the said order, the first respondent canceled the assignment in respect of the lands in Marungoor Village Old S.No.765/1A (New S.No.164/1A) measuring Hc 1.90.5 and declared to be taken over by the Government and further transferred patta with respect to lands in Marungoor Village old S.No.765/1B (New S.No.164/ 1B) measuring Hc 1.77.5 in favour of one Manickkam.



3. The reason for cancellation of the assignment was on account of violation of conditions of assignment because the lands were assigned to people belonging to scheduled caste community. According to the first respondent, the assignee has no right to transfer the property and any transfer, if effected, is a nullity.

4. The petitioner is before this Court challenging the jurisdiction of the first respondent to pass the impugned order stating that the Appropriate Authority to deal with the issues such as the issue, which has arisen in this writ petition, is the Revenue Divisional Officer. It is further contended that the Competent Authority to mutate the revenue records namely patta is the Tahsildar and that the first respondent has no jurisdiction to direct transfer of patta in favour of the said Mr.Manickam. It is also contended that she filed a civil suit in O.S.No.132 of 2013 on the file of the District Munsif Court, Panruti against private parties and prayed for a declaratory relief to declare the title of the petitioner over the property in question and to restrain the private parties from interfering with her possession. An ex parte decree was passed by the civil court on 20.8.2014. However, the private respondents filed an application to set aside the ex parte decree and the same is stated to be pending before the concerned civil court.

5. In the considered opinion of this Court, if a condition of assignment is violated, any transaction done in violation of such condition is a nullity. Firstly, the petitioner has to succeed in establishing that she is entitled to be the owner of the property in her individual right, that her vendor had a right to sell the property in favour of the petitioner and that the sale deed executed by him dated 02.1.1976 is valid in the eye of law. Without establishing the same, the petitioner would have no locus standi to question the impugned proceedings passed by the first respondent canceling the assignment and issuing patta in favour of the said Mr.Manickam.

6. Therefore, unless and until the petitioner is able to establish her right stating that her vendor had lawful right over the property to sell the same by virtue of a sale deed dated 02.1.1976, the petitioner cannot challenge the impugned proceedings dated 06.8.2013. The relief sought for by the petitioner in this writ petition cannot be granted.

7. Accordingly, while dismissing the writ petition, it is left open to the petitioner to agitate all points before the civil court to establish that the petitioner's vendor had a lawful right to execute the sale deed dated 02.1.1976. Before the civil court, the petitioner is entitled to raise all factual and legal contentions and if so advised, implead the first



respondent herein namely the District Revenue Officer, Cuddalore as one of the defendants in the said suit, so that the petitioner would be able to raise all contentions and the correctness of the order dated 06.8.2013 can also be gone into by the civil court. No costs. Consequently, the connected MP is also dismissed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To
The District Revenue Officer, Cuddalore.

+1cc to Mr.D.Ravichander , Advocate SR.No. 91
+1 cc to Government Pleader Sr.No. 459

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and MP.No.1 of 2013

A.SK(10/02/2020)