



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11825 of 2012 and W.M.P.No.36580 of 2018

Pujay Shri Jaymalji Jain G.Champalal
Patheraj Ranka Trust, rep by its
Founder Trustee, Mr.P.Nemichand

... Petitioner

-vs-

1. The Principal Secretary to Government,
Revenue Department,
Secretariat,
St. George Fort,
Chennai - 600 009.
 2. The Principal Secretary / Commissioner of Land Reforms,
Revenue Department,
Ezhilagam,
Chepauk, Chennai - 600 005.
 3. The Assistant Commissioner (Land Reforms),
No.191, Thiru.Vi.Ka.Salai,
Villupuram,
Villupuram District.
- ... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents and their men, agent, servants or any other person claiming any rights through them, from interfering with petitioner's peaceful possession and enjoyment of property situated in Old No.90, New No.17, Ayapakkam Village, Ambattur Taluk, Thiruvallur District, comprised in Survey No.13/1A, admeasuring to an extent of A.0.48 cents covered in Patta No.2808.

For Petitioner : Ms.R.Anitha - No Appearance

For Respondents : Mr.Richardson Wilson,
Government Advocate



O R D E R

This Writ Petition is filed to issue a writ of mandamus forbearing the respondents and their men, agent, servants or any other person claiming any rights through them, from interfering with petitioner's peaceful possession and enjoyment of property situated in Old No.90, New No.17, Ayapakkam Village, Ambattur Taluk, Thiruvallur District, comprised in Survey No.13/1A, admeasuring to an extent of A.0.48 cents covered in Patta No.2808.

2. The case of the petitioner is that the subject property was purchased by the sale deed dated 14.02.2007 vide Document No.1726 of 2007, the petitioner was also issued patta and necessary mutation also carried out in the revenue records.

3. While being so, one Sambhu Prasad claiming right over the property, disturbed the possession of the property. Therefore, the petitioner filed a Civil Suit and obtained an order of interim injunction. Thereafter, the petitioner came to understand that the subject property was originally assigned in favour of one Chandrasekaran acquired from Sambhu Prasad. Now, the respondents forced to the evict the petitioner.

4. The respondents filed a counter affidavit stating that originally the subject property was acquired under the Land Reforms Act from Sambhu Prasad. Thereafter the subject property was sub divided as S.F.No.13/1 to an extent of 48 cents and assigned to one K.Chandrasekaran under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 on 06.12.1993 with the conditions on assignment. Among various conditions, the subject land shall not be transferred or alienated before the expiry of conditional period of 20 years from the date of assignment as per Rule 9(1)(i) of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965.

5. While being so, the assignee converted the subject property into house sites and the same was approved by MMDA in the year 1989, whereas the said land was allotted as cultivable in the year 1994. Therefore the assignee is not eligible for getting assignment and in view of the change in circumstances as formation of plots was approved by MMDA for the subject property, the agricultural land cannot be converted for agricultural purposes, the second respondent herein cancelled the assignment. In fact the same was challenged by the assignee namely K.Chandrasekaran before the Tamil Nadu Land Reforms Special Appellate Tribunal in S.R.P.No.27 of 1996 and the same was dismissed by an order dated 14.07.1998. Aggrieved by the same, he also filed writ petition before this Court in W.P.No.18277 of 1999. The same was also dismissed by an order



dated 07.09.2009.

6. During the pendency of the said writ petition, the assignee namely K.Chandrasekaran sold the subject property to the petitioner herein. Therefore, the purchase of land by the petitioner is an illegal transaction, since the assignee violated the conditions of assignment and accordingly it was duly cancelled as per Rule 9(2) of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965.

7. However, after purchase of the subject property by the petitioner, on the strength of the sale deed, the revenue records were mutated in the name of the petitioner and it is illegal and not valid as per law. The purchase effected is also not bonafide one and it is not a valid transaction. Therefore, the prayer sought for in the writ petition cannot be considered and the writ petition stands dismissed as devoid of merits.

8. Accordingly, this writ petition stands dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)
//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Revenue Department, Secretariat,
St. George Fort, Chennai - 600 009.
2. The Principal Secretary / Commissioner of Land Reforms,
Revenue Department, Ezhilagam,
Chepauk, Chennai - 600 005.
3. The Assistant Commissioner (Land Reforms),
No.191, Thiru.Vi.Ka.Salai, Villupuram,
Villupuram District.

+1CC to Government Pleader, Sr.No.40712

W.P.No.11825 of 2012
and W.M.P.No.36580 of 2018

KSM (CO)
K.RK. (02.09.2021)