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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18653 of 2021
and W.M.P.No.19893 of 2021

T.Manivel

... Petitioner

Vs.

1. The District Collector,
Salem District,
Salem.
2. The District Revenue Officer,
Mettur Taluk,
Salem District,
Salem.
3. The Revenue Divisional Officer,
Mettur,
Mettur Taluk,
Salem District.
4. The Tasildar,
Mettur Taluk,
Salem District,
Salem.
5. Maheswari
6. Nagaraj
7. Arputham

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the respondents 1 to 4 to cancel the assignment in favour of the 5th respondent and to take appropriate action against the respondents 5 to 7 for violation of condition in Assignment order No.1657/2007 dated 14.03.2021 under the special schemes of assignment of land to the landless person by considering the petitioner's representation dated 05.08.2021.



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For Petitioner : Mr.R.Rangarajan
for Mr.K.Prabhakaran

For Respondents : Mr.Yogesh Kannadasan for R1 to R4
Government Advocate

ORDER

This writ petition has been filed for a mandamus to the respondents 1 to 4 to cancel the assignment in favour of the fifth respondent and to take appropriate action against the respondents 5 to 7 for violation of condition in Assignment order No.1657/2007 dated 14.03.2021 under the special schemes of assignment of land to the landless person by considering the petitioner's representation dated 05.08.2021.

2.The case of the petitioner is that the property admeasuring 0.27.00 hectare comprised in S.No.280/1B and property admeasuring 0.9.00 hectare comprised in S.No.531/4A situated at Singiripatti Village, Mettur Taluk, Salem District is absolutely belonged to the petitioner herein and the adjacent land admeasuring 1 acre 12 cent comprised in S.No.531/2 situated at Singiripatti Village, Mettur Taluk, Salem District is absolutely belongs to Government land and the property admeasuring 1 acre 12 cent comprised in S.No.531/2 situated at Singiripatti Village, Mettur Taluk, Salem District is originally belonged to Government.

3.The petitioner submits that the fifth respondent approached the Authorities and applied for assignment land claiming to be that she is landless person as well as an agriculturist and she would cultivate the land.

4.According to the petitioner, on the basis of the submission of application and representation made by the sixth respondent, the Tahsildar, Mettur, the fourth respondent herein issued an Assignment Order No.1657/2007 dated 14.03.2007 assigned the aforesaid land for agricultural purpose and even in the assignment condition it was mentioned that the assignee shall cultivate the land directly and other condition that the assignee shall not transfer the aforesaid land 30 years from the date of assignment, in case of any alienation before 30 years, the assignee shall obtain prior permission from the Revenue Divisional Officer.

5.The petitioner submits that the fifth respondent had alienated the property by virtue of registered Sale Deed dated 06.07.2016 bearing Document No.886/2016 in favour of the sixth respondent who in turn sold the land in favour of the seventh respondent by virtue of Sale Deed dated 07.05.2020 bearing



Document No.924/2020 before the SRO, Mettur, the said assignment in favour of the sixth respondent is liable to be cancelled.

6.The petitioner further submits that the said assignment itself has been obtained by playing fraud and misrepresentation and the said land was never cultivated by the fifth respondent.

7.According to the petitioner, he has given a representation dated 25.06.2021 before the respondents 1 to 5 seeking to cancel the assignment in favour of the fifth respondent and to take appropriate action against the respondents 5 to 7 for the reasons stated supra.

8.The petitioner submits that again he had given a detailed representation on 05.08.2021 to the respondents 1 to 4, despite the above said representations, the respondents did not take any appropriate action as against the respondents 5 to 7.

9.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

10.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 4 and perused the materials available on record.

11.In view of the above and considering the submission made by the petitioner, this Court is of the view that the official respondents shall consider the representation dated 05.08.2021 sent by the petitioner in accordance with law after affording an opportunity to the petitioner within a period of four months from the date of receipt of a copy of this order.

12.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Salem District,
Salem.

2. The District Revenue Officer,
Mettur Taluk,
Salem District,
Salem.

3. The Revenue Divisional Officer,
Mettur,
Mettur Taluk,
Salem District.

4. The Tasildar,
Mettur Taluk,
Salem District,
Salem.

+1cc to R.Subramanian, Advocate Sr No.45094
+1cc to K.Prabhakaran, Advocate Sr No.45048
+1cc to the Government Pleader Sr No.45514

W.P.No.18653 of 2021

JP (CO)
PR (25/10/2021)