



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.1430 of 2012

and

M.P. (MD) Nos.1 and 2 of 2012

WEB COPY

A.Ragunathan (Died)

1.Tamilarasi

2.R.Karthick

(P1 and P2 are substituted, vide Court order,
dated 08.06.2022, in W.M.P.(MD)No.1958
of 2022 in W.P.(MD)No.1430 of 2012)

... Petitioners

Vs.

1.The District Revenue Officer
and Additional Judicial Magistrate,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram.

3.The Tahsildar,
Paramakudi, Ramanathapuram District.

4.Manoharan

5.Chidambaram

6.Gurusamy

7.Rathinam

8.Mahalingam

9.Ashok

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the 1st respondent in his proceedings Na.Ka.No.P2/52247/2011, dated 14.12.2011 and to quash the conclusion portion in the impugned order in which injunction order has been granted by the 1st respondent.

For Petitioner	: Mr.PT.S.Narendravasan
For R1 to R3	: Mr.D.Sasi Kumar
	Additional Government Pleader
For R4 to R9	: No appearance



O R D E R

The present Writ Petition is filed challenging the order of the first respondent in which certain adverse observations were made as against the writ petitioner.

2. According to the writ petitioner his family is in possession of Survey No.620 for so many years. However, the said survey number was sub divided and assignment patta was granted in favour of those persons. Hence, he challenged the order of assignment before the first respondent.

3. The first respondent has chosen to cancel the order of assignment issued in favour of the private respondents in the writ petition. While cancelling the order of assessment, the first respondent has proceeded to reclassify the land as Shri Sannasi Andavar Kovil Poramboku without there being any request from any one of the parties. The first respondent has further proceeded to grant an injunction order as against the writ petitioner that he should not disturb the possession of the private respondents.

4. The learned Counsel appearing for the petitioner points out that when the land was originally classified as Grama Natham, without any representation from any one of the parties, the first respondent was not called upon to reclassify the land as Shri Sannasi Andavar Kovil Poramboku. That apart, after cancelling the assignment order in favour of the private respondents, the first respondent has virtually conferred assignment in favour of the private respondents. Though the respondents 4 to 8 is represented through a Counsel, there is no representation for the respondents 4 to 8.

5. Despite notice there is no representation on the side of the respondents. It can be seen from the records that the private respondents has not challenged the cancel of assignment order that was made in their favour. It is a settled possession of law, then the power to reclassify the land lies only with the Commissioner of Land Administration and DRO has no power at all to reclassify Grama Natham as Shri Sannasi Andavar Kovil Poramboku. Hence, the first respondent has no jurisdiction whatsoever to reclassify the same. That apart, once an order of assignment is cancelled, thereafter, there cannot be an order in favour of the persons whose assignment order has been cancelled.

6. In view of the above said discussion, the impugned order is set aside to the extent that a reclassification has been effected and an order of prohibition has been passed against the writ petitioner. In respect of the other portion of the order namely, cancelling assignment order in favour of the private respondents is concerned, it is confirmed.



7.The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1.The District Revenue Officer & Additional Judicial Magistrate,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram.

3.The Tahsildar,
Paramakudi,
Ramanathapuram District.

+1 CC to M/s.PT.S.NARNDRAVASAN, Advocate (SR-26234[F] dated 16/06/2022)

+1 CC to M/s.SPL.GP (SR-26570[F] dated 17/06/2022)

W.P. (MD) .No.1430 of 2012
16.06.2022

RS (27.06.2022) 3P-6C