



W.P(MD)No.9175 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9175 of 2012

M.Sangeetha

... Petitioner

Vs.

The Joint Commissioner,
Land Reforms,
Pattamangalam Road,
Mayiladuthurai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, by calling the records relating to the proceedings of the respondent made in M.R.IV/34/37/72/KBK/B1, dated 20.03.2012 and quash the same.

For Petitioner : Mr.K.Govindarajan
for Mr.R.Murali

For Respondent : Mr.D.Sasikumar
Additional Government Pleader



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ORDER

The present Writ Petition has been filed challenging an order passed by the respondent herein, under which, the request of the writ petitioner for assignment of 0.58 cents of land in R.S.No.198/2 has been rejected and the assignment was restricted to an extent of 0.26 acres alone.

2. According to the learned Counsel for the writ petitioner, by an order, dated 20.12.1995, an assignment was granted in favour of the husband of the writ petitioner for an extent of 0.58 and a half cents in Survey No.198/2. However, by way of an impugned order, the respondent has held that the petitioner is only entitled to an extent of 0.26 acres in R.S.No.198/2. The said order is under challenge in the writ petition.

3. The learned Counsel for the respondent pointed out that, order dated 20.12.1995, is only a provisional order of assignment. A final order of assignment was passed by the respondent herein on 23.05.2007. In the



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said order, the petitioner's name is reflected in serial No.20. As per the said final assignment order, the petitioner was allotted only 0.26 acres in R.S.No.198/6 and not in R.S.No.198/2. This final assignment order has not been challenged by the writ petitioner. Without challenging the same, the petitioner had filed another application, claiming assignment for an extent of 0.58 and a half acres. Hence, the rejection order passed by the respondent herein is sustainable in law.

4. I have carefully considered the submissions made on either side.

5. Though the petitioner's husband was allotted 0.58 and a half acres at the time of provisional assignment, the same was reduced to 0.26 acres at the time of final assignment in the year 2007. The said final assignment order has not been challenged. However, the present writ petition has been filed, challenging an order passed by the respondent, wherein he has rejected the second request of the petitioner for an assignment of 0.58 and a half cents. When the extent allotted to the petitioner was reduced to 0.26 acres in the final assignment order, the petitioner will not have any right to once again claim 0.58 and a half



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cents as an assignment.

6. In view of the above said discussion, I do not find any merits in the Writ Petition. The Writ Petition stands dismissed. No costs.

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Index : Yes / No
Internet : Yes / No
btr

To

The Joint Commissioner,
Land Reforms,
Pattamangalam Road,
Mayiladuthurai.



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R.VIJAYAKUMAR ,J.

btr

Order made in
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