



W.P(MD)No.19842 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.10.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19842 of 2013

and

M.P(MD)No.3 of 2013

Duraichamy

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Assistant Commissioner,
Land Reforms,
No.36, Barathi Ula Street,
Race Course, K.Pudhur,
Madurai.

3.The Tahsildar,
Palani Taluk,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the proceedings made in No.M.R.4/196/PALANI/Aa2, dated 31.08.2012, on the file of the second respondent and quash the



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same.

For Petitioner : M/s.V.Kannan

For Respondents : M/s.A.Baskaran
Additional Government Pleader

ORDER

The present Writ Petition has been filed challenging an order passed by the second respondent herein, under which, order of assignment granted in favour of the writ petitioner under DSL Rules has been cancelled.

2. According to the learned Counsel for the petitioner, the order of cancellation of assignment has been effected without following due process of law. A perusal of the records clearly indicate that the petitioner has been granted an order of assignment on 10.09.2004. Thereafter, a show cause notice has been issued to the writ petitioner on 19.07.2012 to appear before the second respondent, on the allegation that he is not in possession of the property. After considering the explanation offered by the writ petitioner, under the impugned order, the second respondent has cancelled the order of assignment on 31.08.2012.



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3. The written instructions submitted by the learned Additional Government Pleader indicates that the petitioner has sold the property in favour of one Sirajuddin and he is in possession of the properties. As per Rule 9 of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965, various conditions of assignment can imposed at the time of granting patta. One of the main condition is that the assignee cannot alienate the property within a period of twenty years from the date of granting of assignment and Rule 9(2), indicates that for any violation of the conditions of assignment, the assigning authority is entitled to cancel the assignment, after giving due opportunity to the writ petitioner.

4. In the present case, the writ petitioner has been granted an opportunity to explain why the order of assignment should not be cancelled. Thereafter, after conducting an enquiry, the second respondent has arrived at a finding that the petitioner has sold the property through an unregistered document in favour of one Sirajuddin and he is in possession of the property and he is cultivating the said land.



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5. In view of the violation of the conditions of assignment, the second respondent is always at liberty to cancel the said order of assignment. Hence, I do not find any illegality or infirmity in the order passed by the second respondent herein. Hence, the writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

12.10.2022

Index : Yes / No
Internet : Yes / No
btr

To

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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.19842 of 2013

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