



W.P.(MD)No.18306 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18306 of 2020

and

W.M.P(MD)Nos.15290 & 15291 of 2020

Rajesh

... Petitioner

Vs

The Sub Collector,
Kodaikanal,
Dindigul District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent herein culminating in Na.Ka.No.1162/2017/A1 dated 04.07.2017 and quash the same so far as petitioner's land is concerned and consequently, direct the respondent herein to restore the entries in the revenue records in respect of the subject land viz an extent of 36 cents comprised in R.S.No.938/7 as per Patta in Survey No.938/7A2, Mannavanur Village, Kodaikanal Taluk, Dindigul District, bearing as per Patta No.2701.

For Petitioner : Mr.M.Santhana Raman

For Respondent : Mr.K.Balasubramani
Special Government Pleader



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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Advocate appearing for the respondent.

2. The property in question was assigned in favour of Karuppan on 22.02.1979. The said Karuppan sold the assigned property in favour of Saleth on 05.09.1991. The said Saleth sold the property in favour of the writ petitioner on 24.06.2016. Thereafter, the impugned order dated 04.07.2017 came to be passed cancelling the assignment itself. The primary ground on which the cancellation order has been passed is that the assignee did not get the permission from the jurisdictional Revenue Divisional Officer before making the alienation.

3. The impugned order, whereby the assignment has been cancelled is put to challenge in this writ petition. It is seen that the petitioner's vendor's vendor got revenue records mutated in his favour. After the petitioner purchased the property on 24.06.2016, patta was once again mutated in favour of the writ petitioner.

4. In these circumstances, the decision of the Hon'ble Division Bench reported in **2010 (5) Law Weekly 289 (T.Thirumalai Gounder V. The State of**



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Tamil Nadu) would come into play. The Hon'ble Division Bench has held that when once the revenue entries have been mutated in favour of the alienee, it can be taken that the transfer was done with the permission of the competent authority.

5. Respectfully applying the aforesaid ratio, the impugned cancellation is set aside. This writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

The Sub Collector,
Kodaikanal,
Dindigul District.



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G.R.SWAMINATHAN, J.

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