



*W.P(MD)No.545 of 2015*

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2022

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.545 of 2015**

**and**

**M.P(MD)No.3 of 2015**

1.Anguchamy  
2.Kannaki  
3.Malarkodi  
4.Parasakthi

... Petitioners

Vs.

1.The Commissioner of Land Reforms,  
Ezhilagam,  
Chennai.

2.The Sub Collector,  
Paramakudi.

3.The Special Revenue Inspector,  
Land Reforms,  
Ramnad.

4.Kannayiram

... Respondents

*(Respondent No.2, cause title amended vide Court order, dated 02.09.2022, in W.M.P(MD)No.14818 of 2018 in W.P(MD)No.545 of 2015)*



*W.P(MD)No.545 of 2015*

**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 pertaining to the impugned order bearing No.M.R. 4/272B/Raama/AA4, dated 14.02.2011, passed by the second respondent and quash the same.

For Petitioners : M/s.Porkodi Karnan  
for M/s.Polax Legal Solutions

For R-1 to R-3 : M/s.A.Sivanupandian  
Government Advocate

For R-4 : Mr.K.Vadivelu

### **ORDER**

The present Writ Petition has been filed challenging an order of cancellation of assignment patta passed by the second respondent herein.

2. According to the learned Counsel for the petitioner, separate orders of assignment were granted in favour of the writ petitioners on 25.02.1997. Thereafter, the first petitioner, who is the husband of the second petitioner and father of the third and fourth petitioner was taking care of the agricultural properties and he was cultivating the lands. The first petitioner unfortunately got involved in a criminal case and he was



*W.P(MD)No.545 of 2015*

convicted with life sentence and he was lodged in Central Prison, Trichy on 31.05.2006 and he was released from jail only on 06.01.2012. In the mean time, the second respondent herein has issued a show cause notice to the writ petitioners on 07.12.2007 and 15.03.2010, calling for explanation, why the order of assignment should not be cancelled on the ground that they have not brought the land under cultivation. A perusal of the impugned order shows that the second petitioner alone had appeared before the second respondent herein and has stated that in view of her husband's imprisonment she is residing with her daughters in Madurai. Based upon the said statement, the impugned order has been passed, cancelling the order of assignment.

3. A perusal of the impugned order further indicates that this proceedings have been initiated at the instance of the fourth respondent herein. According to the learned Counsel for the fourth respondent, he is in possession of the said property and he has cultivating the land.

4. The learned Counsel for the petitioner further submits that the head of the family had got involved in a murder case in Crime No.88 of



*W.P(MD)No.545 of 2015*

1993, the family could not carry out the cultivation operations and hence, the first petitioner or his family members cannot be faulted with for not carrying out the cultivation operations in the lands assigned to them in the year 1997.

5. It is clear from the above said facts that the order of assignment itself has been passed in favour of the writ petitioner and his family members while he was facing a murder trial. The impugned order has been passed, without giving proper opportunity to the writ petitioner or his family members, especially when the first petitioner was imprisoned in Central Prison, Trichy.

6. In view of the above said facts, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the second respondent herein. The second respondent shall issue notice to the writ petitioners and the fourth respondent herein and pass fresh orders on merits and in accordance with law. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



*W.P(MD)No.545 of 2015*

WEB COPY

7. The writ petition stands allowed. 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

- 1.The Commissioner of Land Reforms,  
Ezhilagam,  
Chennai.
- 2.The Sub Collector,  
Paramakudi.
- 3.The Special Revenue Inspector,  
Land Reforms,  
Ramnad.



WEB COPY



*W.P(MD)No.545 of 2015*

**R.VIJAYAKUMAR, J.**

btr

Order made in  
**W.P(MD)No.545 of 2015**

**12.10.2022**