



W.P.(MD)No.22896 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.22896 of 2022
and W.M.P.(MD) No.17008 of 2022

Malarkodi

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.C2/78204/2006 dated 20.01.2009 on the file of the 2nd Respondent and consequential order dated 07.09.2022 on the file of the 3rd Respondent and quash the same and to direct the



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Respondents to restore the land assignments granted in favour of the Petitioner for lands situated in Vannikudi Village Group, Kalayarkovil Taluk, Sivagangai District in Survey Nos. 196/13 (0.36.0 Ares), 196/14 (0.11.0 Ares) under Assignment number 179/1409 and in Survey No. 195/7 (53 cents) under Assignment number 180/1409 both dated 29.04.2000 on the file of the 4th respondent.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition, challenging the proceedings of the 2nd respondent in Na.Ka.C2/78204/2006 dated 20.01.2009 and the consequential order of the 3rd respondent dated 07.09.2022 and for a direction to the respondents to restore the land assignments granted in favour of the petitioner for the lands situated in Vannikudi Village Group, Kalayarkovil Taluk, Sivagangai District in Survey Nos. 196/13 (0.36.0 Ares), 196/14 (0.11.0 Ares) and in Survey No. 195/7 (53 cents) under Assignment numbers 179/1409 and 180/1409 respectively dated 29.04.2000 on the file of the 4th respondent.



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2. Heard Mr.V.Kannan, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner submitted that the proceedings of the 2nd respondent in Na.Ka.C2/78204/2006 dated 20.01.2009, dismissing the appeal, filed by the petitioner, challenging the order of the third respondent cancelling the assignments in favour of the petitioner, has not been served upon the petitioner till date and the proceedings of the third respondent dated 07.09.2022, issued on behalf of the 1st respondent is in clear violation of the principles of natural justice and the petitioner's explanation to the notice dated 27.07.2022, was not considered by the officials.

4. Learned counsel Special Government Pleader appearing for the respondents submitted that there is no substance in the writ petition filed by the petitioner and the impugned notice is issued only pursuant to the order of this Court in W.P.(MD) No.



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11829 of 2022 and therefore, this Writ Petition is liable to be dismissed.

5. The lands in Survey Nos.196/13 (0.36.0 Ares), 196/14 (0.11.0 Ares) and Survey No. 195/7 (53 cents), Vannikudi Village Group, Kalayarkovil Taluk, Sivagangai District, which were gifted to the petitioner under a Government Scheme in Assignment numbers 179/1409 and 180/1409, dated 29.04.2000, were cancelled by the 3rd respondent in Na.Ka.A2/2989/2005, dated 17.10.2007, on the ground that the petitioner's husband was a Government Servant. The appeal filed against the said order by the petitioner on 16.11.2007 was dismissed by the second respondent in Na.Ka.C2/78204/2006 dated 20.01.2009. Challenging the said order, the petitioner filed W.P.(MD) No.919 of 2009 and the said writ petition was disposed of on 11.09.2009, directing the petitioner to file revision before the Government. However, the petitioner has not filed any revision. Hence, the order of the third respondent cancelling the gifts of the above said lands in favour of the petitioner has become final.

6. Further, the present notice dated 07.09.2022, came to be issued pursuant to the order of this Court in W.P.(MD)



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No.10515 of 2021, wherein the petitioner was arrayed as a party respondent. Thereafter, the petitioner has approached this Court with W.P.(MD) No.11829 of 2002, questioning the eviction proceedings of the respondents and the said writ petition was dismissed as devoid of any merits, permitting the respondents to proceed further under Section 7 of Tamil Nadu Land Encroachment Act, 1905, followed by a notice under Section 6 of the said Act. The said order was also not challenged by the petitioner and the same has become final. In view of the above, the order passed in compliance of the order of this Court cannot be tested before this Court and this Court also finds no illegality in the impugned order of the third respondent dated 07.09.2022. Hence, this Writ Petition is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

[R.M.D., J.] [J.S.N.P., J.]
29.09.2022

Internet : Yes / No
Index : Yes / No
sj



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

To

- 1.The District Collector,
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Sivagangai.
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