



W.P.(MD)No.4477 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4477 of 2017

and

W.M.P(MD)Nos.10797 & 3591 of 2017

P.Revathi

... Petitioner

Vs

1.The District Revenue Officer,
Dindigul District,
Dindigul.

2.The Sub Collector / Revenue Divisional Officer,
Palani Taluk,
Palani,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the respondents resulting in the second respondent's impugned order in Na.Ka.No.590/09/A5 dated 22.11.2016 and the confirmation order of the first respondent, dated 25.01.2017 in his proceedings Na.Ka.No.35112/2016/T6 and quash the same.



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For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was granted assignment of the petition mentioned land wayback on 24.05.1993. It was cancelled by the impugned order passed on 22.11.2016. After lapse of 23 years, the cancellation order has been passed. In the very nature of things, it is true that the authority can cancel the order of assignment if it is found that it has been obtained by making any false representation. In the case on hand, the petitioner is not accused of having made any such false representation. The reason appears to be that since the petitioner became a Government servant, the cancellation order was passed.

3. As rightly pointed out by the learned counsel appearing for the petitioner, subsequent improvement in the status of the assignee cannot lead to cancellation of the assignment already made. The assignee became a Government Teacher only in the year 2004. Looked at from any angle, the



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cancellation made after an unreasonably long period cannot pass legal muster.

The impugned order is quashed. 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

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G.R.SWAMINATHAN, J.

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