



W.P.(MD)No.759 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.759 of 2017

1.Manavalan

2.Gandhimathi

3.Selvam

... Petitioners

Vs.

1.The Collector,
Sivagangai District,
Sivagangai.

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

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

4.The Tahsildar,
Manamadurai Taluk,
Sivagangai,
Sivagangai Taluk.

5.Maruthu

6.Ramachandran



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7.Chandran

... Respondents

(R5 to R7 are impleaded vide order dated 31.01.2017
in W.M.P.(MD)No.962 of 2017)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents particularly the second respondent after declaring the second respondent's order dated 02.12.2016 as null and void and directing the second respondent and his subordinate officers to issue pattas in the name of the petitioners herein.

For Petitioner	: Mr.V.Lakshmanan
For R1 to R4	: Mr.K.Balasubramani Special Government Pleader
For R5	: Mr.C.Ganesh Kumar

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 to R4. Though the private respondents who were impleaded pursuant to the direction given by this Court have not been served, I am of the view that the writ petition can very well be disposed of without notice to the private respondents.



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2. The assignment made in favour of the first petitioner was cancelled by the Revenue Divisional Officer, Sivagangai. Questioning the same, the petitioners moved the District Revenue Officer, Sivagangai. By the impugned order, the District Revenue Officer dismissed the petitioner's challenge. Questioning the said order, the writ petition has been filed.

3. In the impugned order passed by the District Revenue Officer, it has been specifically mentioned that the first petitioner Manavalan was working in the Commercial Tax Department and had retired from service and that he is a pensioner. Therefore, he was ineligible for any assignment.

4. I wanted to know if this averment found in the impugned order is factually correct.

5. In the affidavit filed in support of the writ petition, this finding of the authority has not at all been questioned. Therefore, I have to necessarily proceed on the premise that the first petitioner was a



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Government servant. Therefore, the authorities rightly came to the conclusion that the order of assignment issued in his favour was liable to be cancelled. No case for interference has been made out.

6. The Writ Petition is dismissed. No costs.

24.06.2022

Index : Yes / No
Internet : Yes/ No
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To

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Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
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- 4.The Tahsildar,
Manamadurai Taluk,
Sivagangai,
Sivagangai Taluk.



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G.R.SWAMINATHAN,J.

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