



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1951 of 2017

and

W.M.P(MD)No.1612 of 2017

(*)B.Alagarsamy

... Petitioner

Vs

1.The District Revenue Officer,
District Collectorate,
Virudhunagar District.

2.The Revenue Divisional Officer,
Virudhunagar,
Virudhunagar District.

3.The Tahsildar,
Taluk Office,
Srivilliputhur,
Virudhunagar District.

4.P.GanesaMoorthy

... 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 pertaining to the impugned order made in Na.Ka.G4/26392/2015 dated 02.01.2017 passed by the first respondent and quash the same.

For Petitioner : Mr.Pala Ramasamy

For Respondents : Mr.K.Balasubramani

Special Government Pleader for R.1 to R.3

Mr.T.Thangamani for R.4

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

2. The petitioner vide sale deed, dated 21.04.2011 purchased the petition mentioned land from the original assignee. This was perceived as a breach of the assignment condition and the impugned order cancelling the assignment itself came to be passed. Challenging the same, this writ petition was filed.



3. The learned Special Government Pleader draws my attention to the Standing Order of RSO 15(12)(3) which reads as follows:-

Standing Order RSO-15(12)(3):

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"The assigned land shall not be alienated for a period of ten years from the date of assignment. In the event of assignee, wishing to dispose of the land, after the above period, he should get prior permission of either the Tahsildar or the Revenue Divisional Officer, who should give permission only, if the sale is to one of the categories, eligible for assignment of Government/Waste lands for cultivation purposes".

4. In this case, admittedly, prior permission from the Revenue Authority had not been obtained. Therefore, the learned Special Government Pleader submits that the impugned order deserves to be sustained. Though the said objection of the learned Special Government Pleader is attractive, the petitioner's counsel relies on the decision of the Hon'ble Division Bench reported in **2010-5-L.W.289** in the case of **T.Thirumalai Gounder & others Vs The State of Tamil Nadu, rep. by its Secretary to Government, Land Administration, Fort St.George, Chennai & others**. The facts of the said case and the case on hand are similar. The Hon'ble Division Bench in the said decision held that after effecting mutation of the revenue records in the name of the purchaser, the revenue authorities cannot be permitted subsequently to cancel the very assignment on the ground that there was no prior permission from the revenue authorities for transfer of assignment. Respectfully following the said ratio, the order impugned in this writ petition is quashed. This writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(AD-I)

(*)Corrected as per the order of this court dated 10.10.2022 in WP (MD).No. 1951 of 2017

Sd/-

Assistant Registrar(AS)

// True Copy //

10/10/2022

Sub Assistant Registrar(CS)

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WP(MD)



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(*) To be Sub substituted the order already despatched on 18/06/2022 To

1.The District Revenue Officer,
District Collectorate,
Virudhunagar District.

2.The Revenue Divisional Officer,
Virudhunagar,
Virudhunagar District.

3.The Tahsildar,
Taluk Office,
Srivilliputhur,
Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-27969[F] dated 24/06/2022)

W.P. (MD) No.1951 of 2017
22.06.2022

NSN (CO)

KB (15.07.2022) 3P 5C

KB (10.10.2022) 3P 5C