



W.P(MD)No.21174 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21174 of 2017

and

W.M.P.(MD)Nos.17441 and 17442 of 2017

S.Paramsivam

... Petitioner

Vs.

1.The Land Commissioner,
Chepauk,
Chennai.

2.The District Revenue Officer (Land Tribunal),
Tirunelveli.

3.The Assistant Commissioner (Land Reforms),
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.M.R./IV/C/307/TNV dated 09.01.2014 which was confirmed by the 1st respondent dated 13.04.2017 in R.P.No.2 of 2017 and quash the same.



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For Petitioner : Mr.S.Madhavan,
For Mr.V.Srikanth

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

The petitioner was assigned a piece of land on 31.05.1989. The said assignment was cancelled by the third respondent on 09.01.2014. The cancellation order was put to challenge before the second respondent and thereafter before the first respondent. By the impugned order, the first respondent confirmed the order of cancellation. The same is questioned in this writ petition.

2.Heard the learned counsel on either side.

3.I carefully considered the rival contentions and went through the materials on record. It is seen that the assignment was made subject to payment of a certain sum towards value of the assigned land. The said consideration has since been remitted in full by the petitioner. Clause 8 of the conditions of assignment states that the land will vest absolutely in the assignee only after the value of the land is paid in full or after a period of twenty years. Since the



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value of the land has been paid in full, the land thereafter vested in the petitioner absolutely. The other conditions set out in the deed of assignment of course cannot be given go by. One of the conditions is that the land assigned shall not be sold whether before the expiry of the aforesaid period or even thereafter except to other members of scheduled caste. The learned counsel for the petitioner informs the Court that the petitioner did alienate a part of the assigned property, but then, the alienation was made in favour of another member of scheduled caste. I am satisfied that the assignment terms and conditions have not been breached. The respondents have failed to note two aspects namely, payment of assignment consideration in full and alienation of a portion of the property by the petitioner only in favour a fellow scheduled caste member.

4.In this view of the matter, the impugned order is set aside and the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

01.07.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

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- 3.The Assistant Commissioner (Land Reforms),
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