



W.P.No.30206 of 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30206 of 2003
and
W.P.M.P.No.36887 of 2003

Mangudi Village Panchayat,
Rep. by its President Duraisamy,
Mangudi Village,
Aranthangi Taluk.

...Petitioner

Vs

1.The Commissioner of Land Administration,
Ezhilagam, II Floor,
Chepauk, Chennai – 600 005.

2.The District Revenue Officer,
Pudukkottai.

3.The Revenue Divisional Officer,
Aranthangi.

4.R.Krishnasamy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
for issuance of a Writ of Certiorari, to call for the records of the 1st



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respondent bearing Proceedings No.Na.Ka.G2/24086/2002 dated 21.05.2003 confirming the order of the 2nd respondent bearing Proceedings No.Na.Ka.10098/2001 E2 dated 28.03.2002 reversing the order of the 3rd respondent in Proceedings No.Na.Ka.5558/98 A3 dated 22.01.2001 and quash the order dated 21.05.2003.

For Petitioner : Mrs.A.L.Ganthimathi
Senior Counsel
for Mr.L.Palanimuthu

For R1 to R3 : Mr.R.Ramanlaal
Additional Advocate General
Assisted by Mr.T.Arunkumar,
Additional Government Pleader.

For R4 : Mr.V.K.Vijayaraghavan

ORDER

Mangudi Village Panchayat is the writ petitioner challenging the order passed by the Commissioner of Land Administration in proceedings dated 21.05.2003.

2.The writ petitioner Village Panchayat states that the lands comprised in S.Nos.122/1, 122/2, 122/3 and 4 are said to have been assigned by the Assignment Tahsildar by his proceedings of the year 1986



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in favour of one Mani, Chinnathambi, Subban and Chellappan. The 4th respondent subsequently claimed that he had purchased the assigned land from the assignees who were not the real persons in existence either at that point of time or at present. The petitioner has stated that the assigned land was abused and sold fraudulently. It is not in dispute that the assignment was cancelled by the competent authorities and the Government resumed the lands. The matter went up to the Commissioner of Land Administration, who in turn passed an order setting aside the order passed by the District Revenue Officer.

3.The learned senior counsel appearing on behalf of the Village Panchayat brought to the notice of this Court that the assignment conditions, cancellation of assignment and the utilization of the Government lands are not considered by the Commissioner of Land Administration while passing the impugned orders. Violation of assignment conditions are established. Thus, the assignment is liable to be cancelled. Contrarily the Commissioner of Land Administration has set aside the order passed by the District Revenue Officer on other grounds. The vital ground regarding the violation



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of assignment conditions are not dealt with and therefore, the petitioner is constrained to move the present writ petition.

4.The writ petition was instituted in the year 2003, the lands assigned were sold in favour of ineligible persons and therefore, the assignment was cancelled. This Court do not find any infirmity in respect of the cancellation of assignment order passed by the original authorities. However, the Commissioner of Land Administration has not considered these aspects and set aside the order. Thus, this Court is inclined to remand the matter back to the Commissioner of Land Administration for complete adjudication of facts on the grounds raised by the parties.

5.In view of the facts and circumstances, the impugned order passed by the Commissioner of Land Administration in proceedings Na.Ka.G2/24086/2002 dated 21.05.2003 is set aside and the matter is remanded back to the Commissioner of Land Administration for fresh consideration and to pass appropriate orders on merits and in accordance with law by following the procedures as contemplated. The Commissioner



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of Land Administration shall consider the vital grounds raised by the petitioner that the conditions stipulated in the assignment order had been violated by the assignees and therefore, there is no infirmity in respect of the cancellation of assignment made by the competent authorities. In this regard, the finding of the District Revenue Officer is to be considered with reference to the order dated 22.01.2001. The said exercise is directed to be completed by the Commissioner of Land Administration within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2023

cse

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No



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S.M.SUBRAMANIAM, J.

cse

To

- 1.The Commissioner of Land Administration,
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Chepauk, Chennai – 600 005.
- 2.The District Revenue Officer,
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- 3.The Revenue Divisional Officer,
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