



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 09-08-2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**WP No.3410 of 2022**

**And**

**WMP Nos.3512 and 12370 of 2022**

1.Selvi  
2.Mayalagan

... Petitioners

Vs.

1.The District Collector,  
District Collectorate,  
Kallakurichi and District.

2.The District Revenue Officer,  
The District Collectorate,  
Kallakurichi and District.

3.The Revenue Divisional Officer,  
The Revenue Divisional Office,  
Kallakurichi and District.

4.The Tahsildar,  
Chinnasalem Taluk,  
Kallakurichi District.

5.S.Periyasamy



6.K.Rajendran

7.S.Selvarasu

8.N.Paneerselvam

9.S.Murukesan

10.K.Desinguraja

11.K.Chinnathambi

12.S.Arunachalam

13.P.Alamelu

14.N.Malar

15.R.Madeswaran

16.P.Ayyam Perumal

17.T.Thangarasu

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned 22.12.2021 in Ref.No.Na.Ka.A2/1847/2012 issued by the third respondent and follow-up proceedings and consequently quash the same.

For Petitioners : Mr.V.Gunasekar

For Respondents-1 to 4 : Mr.C.Jayaprakash,  
Government Advocate.



For Respondents-5 to 7,  
9 to 16 : Mr.M.Muthappan

For Respondent-8 : No Appearance

For Respondent-17 : Deceased. Steps due.

## **ORDER**

The order dated 22.12.2021 passed by the third respondent- Revenue Divisional Officer, Kallakurichi, is under challenge in the present writ petition.

2. It is not in dispute between the parties that the subject lands were assigned in favour of the petitioners and there is a dispute even in respect of the assignment.

3. The petitioners submitted an application for grant of patta based on the decree passed by the Civil Court granting an injunction not to dispossess the writ petitioners from the assigned property. The petitioners were granted patta based on the assignment made by the Government.



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4. The relief as such sought for by the petitioners in the civil suit not to cancel the patta was rejected and thereafter, the Revenue Divisional Officer passed an order in proceedings dated 23.08.2021 asking the Tahsildar, Chinnasalem to file an appropriate appeal against the decree of injunction obtained by the petitioners and initiate further actions.

5. The Revenue Divisional Officer, Kallakurichi further passed impugned order in proceedings dated 22.12.2021 asking the Tahsildar, Chinnasalem to make sub divisions and by creating pathway, necessary orders are to be passed for grant of patta.

6. The petitioners have challenged the said order on the ground that they are the original assignees and are in possession and enjoyment of the subject property. An order passed by the Revenue Divisional Officer, Kallakurichi for sub-dividing the subject property for the purpose of creation of pathway is improper. More-over, certain portions of the assigned lands were also purchased by the petitioners without obtaining prior permission from the Competent Authorities.



7. The learned Government Advocate, appearing on behalf of the respondents 1 to 4, made a submission that the conditions imposed in the assignment have been violated by the Assignees and therefore, the assignment is liable to be cancelled.

8. It is needless to state that the assignment of Government lands made under the Welfare Scheme, is to be maintained as per the conditions stipulated in the assignment. In the event of violation of the assignment conditions, the Competent Authorities are empowered to cancel the assignment.

9. In the present case, the learned Government Advocate, appearing on behalf of the respondents 1 to 4, states that the assigned lands were sold without prior permission of the Competent Authorities.

10. All these aspects are to be gone into by the Competent Authorities for the purpose of settling the issues relating to the assignment of Government lands.



11. In the present case, the Revenue Divisional Officer, Kallakurichi has passed two orders in respect of two issues, i.e., one relating to the decree of injunction passed in favour of the writ petitioners and the other relating to the creation of pathway by effecting sub-division in the subject property.

12. This being the factum, the petitioners are having right of appeal, which is to be exhausted. The order impugned itself states that the petitioners have to prefer an appeal, within a period of thirty days before the Competent Authorities.

13. The learned counsel, appearing on behalf of the contesting respondents, made a submission that the petitioners have already preferred an appeal before the District Revenue Officer.

14. That being the factum, the District Revenue Officer, Kallakurichi is directed to conduct an enquiry with reference to the revenue records and verify the assignment conditions and its violations or otherwise,



if any and pass appropriate orders on merits and in accordance with law, as expeditiously as possible.

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15. With the above directions, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

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Index : Yes/No  
Internet: Yes/No  
Speaking order/Non-Speaking order  
Neutral Citation : Yes/No  
Svn

To

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Kallakurichi and District.
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The District Collectorate,  
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- 3.The Revenue Divisional Officer,  
The Revenue Divisional Office,  
Kallakurichi and District.



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4. The Tahsildar,  
Chinnasalem Taluk,  
Kallakurichi District.

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