



WEB COPY



W.P.No.12029 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.12029 of 2019
and WMP.No.12297 of 2019

R.Boopalan

...

Petitioner

/vs/

1.The Additional Chief Secretary/
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

2.The District Revenue Officer,
Kanchipuram District,
Kanchipuram.

3.The Revenue Divisional Officer,
Madurantagam,
Kanchipuram District.

4.The Tahsildar,
Taluk Office, Madurantagam,
Kanchipuram District.

...

Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings dated 21.01.2019 passed in Proc.No.F2/13035/2011 on the file of the 1st Respondent herein conferring the proceedings dt. 08.04.2011 passed in Na.Ka.No.19776/2009/B3 on the file of the 2nd respondent herein quash the same and consequently, direct the respondents herein to re-assign and grant patta for the lands measuring 5.00 acres in S.F.No.241/9 situate at



W.P.No.12029 of 2019

Vilvarayanallur Village, Madurantagam Taluk, Kanchipuram district to the petitioner.

WEB COPY

For Petitioners	...	Mr.K.Govi Ganesan
For Respondent	...	Mr.P.Gurunathan
		Additional Government Pleader

ORDER

The writ petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings dated 21.01.2019 passed in Proc.No.F2/13035/2011 on the file of the 1st Respondent, conferring the proceedings dt. 08.04.2011 passed in Na.Ka.No.19776/2009/B3 on the file of the 2nd respondent and quash the same and consequently, direct the respondents herein to re-assign and grant Patta for the lands measuring 5.00 acres in S.F.No.241/9 situate at Vilvarayanallur Village, Madurantagam Taluk, Kanchipuram District to the petitioner.

2.The land was originally classified as Government Poromboke Tharisu and the same was assigned to one Narayanasamy under the assignment dated 21.01.1970 and subsequently, the said assignment was cancelled in the year 1981 by the third respondent without giving any



W.P.No.12029 of 2019

notice to the original assignee namely Narayanasamy and the said cancellation was confirmed by the Additional Chief Secretary/ Commissioner of Land Administration, Chepauk, Chennai. Even prior to the cancellation of the assignment, the said Narayanasamy sold the property to the petitioner and the petitioner is in possession and enjoyment of the same. Therefore, he applied for Patta and the respondents, refused to receive the same and passed the impugned order and aggrieved against the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the assignment was granted to one Narayanasamy in the year 1970 and after 10 years, the said Narayanasamy sold the property to the petitioner. Therefore, there is no violation of the condition imposed in the assignment. The petitioner was cultivating the land, prior to that, the original assignee was also cultivating the land. Without giving any notice either to the original assignee or to the petitioner, who was in possession on the date of cancellation, the respondents cancelled the assignment. Therefore, the impugned order passed by the first respondent is liable to be set aside.



W.P.No.12029 of 2019

WEB COPY

4.The learned Additional Government Pleader appearing for the respondents submitted that the land was originally assigned to one Narayanasamy on condition that he has to cultivate the land and if he has not cultivated the land for three years, then, the assignment would be cancelled and he should not sell the property within a period of 10 years. The assignee would not sell the property without obtaining prior permission from the Government. Since the original assignee did not cultivate the land for three years, the assignment was cancelled. Further, since he did not obtain prior permission from the Government to sell the land, the sale in favour of the petitioner by the original assignee Narayanasamy is not valid and it will not bind the Government and the possession of the petitioner is not recognised by the Government. Since the main condition in the original assignment itself is that the assignee has to cultivate the land for three years and after 10 years, if he wanted to sell the property, he would get prior permission from the Government. Therefore, the prime condition has been violated in this case. Further, the petitioner did not inform the Government about the sale and did not get prior permission to purchase the conditional



W.P.No.12029 of 2019

assignment land. Considering the original assignment and violation of the condition imposed in that assignment by the original assignee, the assignment was cancelled and considering the same, neither the original assignee nor the petitioner obtained any prior permission from the Government and hence, the sale is not valid and the impugned order is in order and there is no error in cancellation of the assignment.

5. I have considered the matter in the light of the submissions made by the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. On a perusal of the records, it is seen that admittedly the land was originally classified as Government Poromboke Tharisu. The land was originally assigned to one Narayanasamy in the year 1970 for cultivation and as per the assignment, the assignee should convert “Tharisu” to cultivable land and the assignee should not sell the land for 10 years and also he has to cultivate the land. If he is not cultivating the land, the



W.P.No.12029 of 2019

assignment would be cancelled. If the assignee wanted to sell the land beyond the period of 10 years, he should obtain permission from the Government, whereas, in this case, the assignee did not get permission and did not cultivate the land and simply kept the land for 10 years and after 10 years, even without getting permission, he sold the property to the petitioner and the petitioner also has not obtained the permission from the respondents for purchasing the assignment land and he has also not complied with the condition. Therefore, the sale deed in favour of the petitioner and the possession of the petitioner was not recognised by the respondents. Therefore, there is no error in the impugned order and the petitioner is not entitled to the relief sought for.

7.In view of the above, the writ petition is dismissed. No costs.
Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Speaking Order: Yes/No
Neutral case citation: Yes/No
sms

01.12.2023

To



W.P.No.12029 of 2019

- 1.The Additional Chief Secretary/
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.
- 2.The District Revenue Officer,
Kanchipuram District,
Kanchipuram.
- 3.The Revenue Divisional Officer,
Madurantagam,
Kanchipuram District.
- 4.The Tahsildar,
Taluk Office, Madurantagam,
Kanchipuram District.

P.VELMURUGAN,J.



WEB COPY



W.P.No.12029 of 2019

sms

W.P.No.12029 of 2019
and
WMP.No.12297 of 2019

01.12.2023