



WEB COPY

W.P.No.33082 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33082 of 2014

and

M.P.Nos.1 & 2 of 2014

V.Malliga

... Petitioner

Vs.

1.The District Collector
Salem District,
Salem.

2.The District Revenue Officer,
Salem District,
Salem.

3.The Revenue Divisional Officer,
Attur, Salem District.

4.The Thasildar,
Gangavalli Taluk,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records in pursuant to the impugned letter issued by the 3rd respondent to the 1st respondent vide Na.Ka.No.7516/2005/Aa2 dated 03.09.2014 and quash the same.



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For Petitioner	: Mr.T.P.Prabakaran
For Respondents	: Mr.Abhisek Murthy Government Advocate

ORDER

The internal communication between the Revenue Divisional Officer and the District Collector, Salem in proceedings dated 03.09.2014 is under challenge in the present writ petition.

2. The petitioner states that the subject land was assigned in favour of three persons and subsequently, the petitioner purchased the land by duly obtaining permission from the competent authority. However, the Revenue Divisional Officer, Attur has made a recommendation to the District Collector to cancel the assignment, which was originally granted in favour of three persons.

3. The learned Government Advocate appearing on behalf of the respondents objected the said contention by stating that the sale was improper and the petitioner is not entitled for the relief. The assignee had violated the conditions imposed and the therefore, the Revenue Divisional Officer recommended to the District Collector for cancellation of assignment.



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4. The disputed facts in this regard are to be considered by the District Collector, Salem for the purpose of passing final orders, whether the assignment conditions are violated. Whether the transfer of assigned land in favour of the petitioner is in accordance with law and the Government guidelines or not is to considered based on the documents and evidence on record.

5. The petitioner is at liberty to approach the District Collector and submit all the documents in their possession for the purpose of considering the case. In this regard, the District Collector, Salem shall give an opportunity to the writ petitioner to submit all the documents and thereafter, take a decision on merits and in accordance with law.

6. As far as the present writ petition is concerned, the internal communication between the Revenue Divisional Officer and the District Collector cannot be challenged. More so, the Revenue Divisional Officer being a Sub-ordinate Authority has submitted his recommendation to the District Collector and the District Collector is not strictly bound by the recommendations made and he has to independently decide the issues on



merits and in accordance with law.

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7. This being the factum, the petitioner is at liberty to submit their recommendations / documents, if any to the District Collector within a period of three (3) weeks from the date of receipt of a copy of this order and on receipt of any such application or otherwise, the District Collector shall proceed with the enquiry and thereafter, pass final orders on merits and in accordance with law as expeditiously as possible.

8. With this liberty, this Writ Petition stands disposed of. No costs.
Consequently, connected Miscellaneous Petitions are closed.

25.04.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

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S.M.SUBRAMANIAM, J.

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