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W.P.No.21755 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21755 of 2022

Mrs.Pappathi

... Petitioner

Vs.

- 1.The Principal Secretary/ Commissioner of Land Reforms,
Chepauk, Chennai – 600 005.
- 2.The Commissioner of Land Administration,
Chepauk, Chennai – 600 005.
- 3.The District Collector,
Coimbatore,
Collectorate Building,
Coimbatore – 641 018.
- 4.The District Revenue Officer,
Coimbatore,
Collectorate Building,
Coimbatore – 641 018.
- 5.The Revenue Divisional Officer,
Collectorate Building,
Coimbatore – 641 018.
- 6.Special Tahsildar,
Assignment Coimbatore,
Coimbatore.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders passed by (i)the 2nd respondent – order of the Commissioner of Land Administration vide Lr.No.F1/2145443/2022 dated 09.04.2022, (ii)the 4th respondent proceedings of the District Revenue Officer, Coimbatore vide Pa.Mu.No.14064/2020/A1 dated 12.11.2020 (iii)the 5th respondent proceedings of the Revenue Divisional Officer, Coimbatore North vide Ref.Na.Ka.No.2661/2018/A2 dated 17.09.2019 (iv)the 5th respondent proceedings of the Revenue Divisional Officer, Coimbatore vide Ref. No.169/80-A12/(26574/80) dated 27.10.1980 and quash the same in so far as Survey No.969/2 and pass an order/orders restoring the Assignment order Ni.Mu.46181/70 dated 20.08.1970 passed by the 6th respondent, Special Tahsildar, Assignment Coimbatore for the interest of justice.

For Petitioner	: Mr.M.Leo Prabhu
For Respondents	: Mr.T.Arun Kumar Additional Government Pleader
For R4	: Mr.V.Sakkarapani

ORDER

The writ on hand has been instituted questioning the order of the Commissioner of Land Administration dated 09.04.2022, the 4th respondent proceedings of the District Revenue Officer, Coimbatore dated 12.11.2020,



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the 5th respondent proceedings of the Revenue Divisional Officer, Coimbatore North dated 17.09.2019, the 5th respondent proceedings of the Revenue Divisional Officer, Coimbatore dated 27.10.1980 and quash the same in so far as Survey No.969/2 and pass orders restoring the Assignment order dated 20.08.1970 passed by the 6th respondent, Special Tahsildar, Assignment Coimbatore.

2. The petitioner is a widow of an Ex-serviceman Late Mr.M.Rathnasamy, the Government issued an order of assignment of land in favour of the petitioner on 20.08.1970. The conditions are stipulated in the said order of the assignment assigning 5 acres of land in Coimbatore. The 1st condition itself states that the assignment is liable to cancellation if it is found that it was grossly inequitable or was made under the mistake of fact owing to misrepresentation of fraud or in excess of the limits of authority delegated to the assigning officer by Board's standing order No.15 or that there was an irregularity in the procedures.

3. However, in the present case, the authorities cancelled the assignment on the ground that the petitioner had violated the condition No.17, which reads as under :



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“17. that the Government shall be at liberty to resume the land within a period of ten years from the date of grant, if any default is made in the payment of land revenue due on the land.”

4. The cancellation of the assignment was made by the Revenue Divisional Officer, Coimbatore in proceedings dated 27.10.1980 in Ref.No.169/80-A12/(26574/80). The said order was not challenged by the petitioner during the relevant point of time. After a lapse of about 38 years, the petitioner submitted a petition before the Revenue Divisional Officer, North Coimbatore on 10.08.2018. Since no action has been taken by the Revenue Divisional Officer based on the petition submitted by the writ petitioner on 10.08.2018, the petitioner filed W.P.No.24700 of 2018. This Court passed an order on 19.09.2018 directing the Revenue Divisional Officer to consider the representation submitted by the writ petitioner on 10.08.2018 and pass appropriate orders on merits and in accordance with law within a period of four weeks.

5. Pursuant to the directions issued in the said writ petition, the Revenue Divisional Officer passed the order in proceedings dated



17.09.2019. The said order is also under challenge in the present writ petition. Thereafter, the District Revenue Officer passed an order in proceedings dated 12.11.2020 and finally, the Commissioner of Land Administration rejected the claim of the writ petitioner in proceeding dated 09.04.2022. All these three orders passed by the District Revenue Officer, Revenue Divisional Officer and Commissioner of Land Administration are under challenge in the present writ petition.

6. The practice of restoring the lapsed cause of action is in growing trend. The litigants are attempting to restore the lapsed cause of action by merely sending representation to the authorities and filing writ petition for a direction to dispose of such representations. Since the High Court is passing an order to consider the representation, the said order has been misused by the litigants for the purpose of restoring the lapsed cause of actions.

7. High Court directions are to be complied with by the authorities. In compliance of the directions to consider the representations, the authorities are passing orders. The said order has been taken as a fresh cause of action and further writ petitions are filed for the purpose of adjudicating issues on merits. Such practice of restoring the dead cause, at no circumstances be



permitted which would cause prejudice to the public interest in such nature of cases, where the assignment of land was cancelled in the year 1980 itself.

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What the petitioner is unable to get directly, is now attempting to get in an indirect manner by obtaining an order of direction to dispose of the representation.

8. Admittedly, the Government land was assigned in favour of the writ petitioner in the year 1970 and the said assignment was cancelled by the Revenue Divisional Officer, Coimbatore in proceedings dated 27.10.1980 on the ground that the petitioners violated condition No.17 in the original assignment order. Thereafter, the petitioner has not taken any action for about 38 years and all of a sudden on 10.08.2018, the petitioner submitted a petition to the Revenue Divisional Officer, Coimbatore North and filed W.P.No.24700 of 2018. Based on the order of direction to consider the representation, the petitioner reviewed the cause of action in an indirect manner to achieve her goal and thus, the writ petition is absolutely misconceived and the relief as such sought for deserves no merit consideration. Such nature of writ petitions are liable to be rejected with exemplary cost. Since the petitioner is aged about 89 years, this Court is



inclined to take lenient view.

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9. Accordingly, this Writ Petition stands dismissed. No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes

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S.M.SUBRAMANIAM, J.

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