



WEB COPY

W.P.No.5859 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5859 of 2017

and

W.M.P.Nos.6270 of 2017 & 11687 of 2018

Murugayee

... Petitioner

Vs.

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

2.The District Revenue Officer,
Kodaikanal,
Dindigul District.

3.The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the first respondent dated 22.11.2016 and made in Na.Ka.No.F3/14407/2015 and quash the same.



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For Petitioner	: No Appearance
For Respondents	: Mr.T.Arun Kumar Additional Government Pleader

ORDER

The order impugned dated 22.11.2016 cancelling the assignment granted in favour of the writ petitioner is under challenge in the present writ petition.

2. In the year 1984, the husband of the petitioner was given a land measuring 1.03.0 hectares comprised in S.No.717/3 of Vilpatti Village in Kodaikanal Taluk under the scheme for Villagers. The assignment of land was made on 26.02.1984.

3. The grievance of the petitioner is that the assignment was cancelled in violation of the principles of natural justice. However, the petitioner states that she is in possession and enjoyment of the said land, after the demise of her husband and therefore, without following the procedures, the order impugned has been issued.



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4. The learned Additional Government Pleader appearing on behalf of the respondents objected the said contention by stating that the assignee leased out the subject land to one Thiru.Vinoth Thomas through a Registration Document on 20.08.1991 in Document No.668/1991. Therefore, the assignee Thiru.Palanivel has returned the lease amount and got back the registered document dated 11.02.1992 in Document No.138 of 1992. Subsequently, the assignee without getting proper permission from the authority concerned, sold out the assigned lands in S.No.717/3 of Vilpatty Village to one Thiru Samuvel Abraham through Registered Document dated 11.02.1992 vide Document No.142/1992. The assignee violated the assignment conditions and sold out the land assigned to him at free of cost within a period of 8 years without getting proper permission from the authorities.

5. The action of the assignee was wilful and with an intention to get profit by way of selling the land given to him under free of cost. At present the cultivable land was bought by the subsequent purchaser and therefore, the authorities competent cancelled the assignment. The revision filed by the



petitioner was also rejected and the order passed by the 2nd respondent was confirmed.

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6. In view of the facts and circumstances, the petitioner has not established any acceptable ground for the purpose of interfering with the impugned order and consequently, this Writ Petition stands dismissed. No costs. Connected Miscellaneous Petitions are closed.

27.04.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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