



WEB COPY

WP No.19354 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.19354 of 2017

And

WMP Nos.20851 and 20852 of 2017

V.Ramar

... Petitioner

Vs.

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The Tahsildar,
Ulundurpet Taluk,
Villupuram District.
- 3.Kannaiyan
- 4.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.



5. The Commissioner of Land Reforms,
Commissionerate of Land Reforms,
Ezhilagam, Chepauk,
Chennai-600 005.

[R-4 and R-5 suo motu impleaded vide
order of Court dated 10.07.2023 made
in WP 19354 of 2017]

... 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 order passed by the second respondent in proceeding A6/TKT/46/2004 dated 30.08.2004 is illegal and quash the same.

For Petitioner : Ms.K.Varsha for
Mr.G.Ranganathan

For Respondents-1,2,4
and 5 : Mr.E.Sundaram,
Government Advocate.

For Respondent-3 : Dr.A.Thiagarajan,
Senior Counsel for
Mr.M.Nallathambi.

ORDER

The order impugned passed by the second respondent in proceedings dated 30.08.2004 informing the petitioner that the assignment granted in his favour was cancelled is sought to be quashed in the present



writ petition.

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2. The petitioner states that he is the absolute owner of the landed property to an extent of 0.86 cents, comprised in Survey R.S.No.144/4A-0.12 cents, 177/2-0.29 cents, 238/5-0.31 cents and 295/1-0.14 cents and the above lands were assigned by way of free assignment to the father of the writ petitioner.

3. The assignment was made under the category of 'Landless Poor People' and the father of the writ petitioner was cultivating the said land.

4. Admittedly, the second respondent-Tahsildar issued show cause notice to the father of the writ petitioner on 11.12.1982. The show cause notice states that the father of the writ petitioner was not cultivating the land and thereafter violated the conditions stipulated under the very assignment order and accordingly, it was proposed to cancel the assignment granted in favour of the father of the writ petitioner.



5. It is not made clear by the petitioner whether the father of the petitioner submitted an application to the effect that the assignment order issued to him was cancelled or not. However, the fact remains that the assignment was cancelled in the year 1982 itself and the said order has not been challenged by the father of the writ petitioner. Thereafter, the petitioner states that he was in possession and enjoyment of the assigned land.

6. The petitioner submitted an application and the Revenue Tahsildar through the impugned proceedings dated 30.08.2004 informed the petitioner that the assignment granted in favour of the father of the petitioner was cancelled and it was re-allotted in favour of one Mr.Kannaiyan, S/o.Mr.Raju.

7. When the land was re-allotted to one Mr.Kannaiyan, S/o.Mr.Raju, now the petitioner after the lapse of about 13 years filed the present writ petition, challenging the order dated 30.08.2004 issued by the second respondent-Tahsildar.

8. The assignment granted originally in favour of the father of



the writ petitioner was cancelled on the ground that he had violated the conditions stipulated in the assignment order. Subsequently, the said land was re-allotted by the Competent Authority to one Mr.Kannaiyan, S/o.Mr.Raju, who in turn was in occupation of the property and cultivating the same.

9. That being the factum, now at this length of time, the order impugned passed in the year 2004 by the Authorities, cannot be interfered with.

10. Thus, the present writ petition stands dismissed both on the ground of merits as well as on the laches. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

31-07-2023

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



WEB COPY

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S.M.SUBRAMANIAM, J.

Svn

WP 19354 of 2017

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