



W.P(MD).No.13020 of 2010

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.13020 of 2010

V.Sriram Subramanian

..... Petitioner

- Vs-

1. The Director,
Land Reforms and Administrative Office,
Chepauk, Chennai – 600 005.

2. The Assistant Commissioner,
Land Reforms Departments,
Chepauk, Chennai – 600 005.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned proceeding in Na.Ka.No.M1/ 6809/2010 (ep.rPh;) dated 13.08.2010 of the first respondent and quash the same.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.M.Prakash
Additional Government Pleader



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ORDER

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The present Writ Petition has been filed challenging the order passed by the first respondent rejecting the request of the petitioner seeking to cancel the assignment made in favour of the one Esakkimuthu.

2. Heard Mr.T.S.Mohamed Mohideen, learned Counsel appearing for the petitioner and Mr.M.Prakash, learned Additional Government Pleader appearing for the respondents.

3. The learned Counsel appearing for the petitioner would submit that the assignment in favour of Esakkimuthu had been made on condition that he shall not dispose of the land within the period of 20 years from the date of assignment and that he shall not alienate the land to any other person outside the community. In support of his contention, the learned counsel had produced the information received under the Right to Information Act stating that such lands are assigned in favour of the person outside the class.



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4. He would also submit that the assignee had settled the property in favour of his son within the period of 20 years and thereby, violated the condition and that the son of the assignee has also sold to a Company. Therefore, both the conditions have been violated. However, the first respondent without considering the same, has rejected the claim of the petitioner and hence, he is before this Court challenging the same.

5. The learned Additional Government Pleader appearing for the respondents submitted that the writ petition is liable to be dismissed as the necessary parties have not been impleaded as parties in the Writ Petition. He would further submit that in respect of the assignment granted to Esakkimuthu, a condition has been imposed that he shall not alienate the assigned land only within a period of 20 years. He would further submit that the original assignee had settled the property in favour of his son beyond the period of 20 years and that there is also no condition that the assignee should only alienate the land within his class. Hence, there is no infirmity in the impugned communication challenging before this Court.



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6. I have considered the rival claims of the Counsels appearing on either side.

7. At the outset, this Writ Petition will have to be dismissed for non-joinder of party, namely, not adding the party whose assignment is sought to be cancelled. Further, on merits, the first respondent had rejected the request stating that there is no violation of the conditions of assignment as the sale as the settlement in favour of his son has been made beyond a period of 20 years and that there is no condition stipulated that the assignee is barred from selling the property outside the Community.

8. It is also seen that the assigned land are surplus land under the Land Reforms Act. The impugned communication specifically states that the assignment was made as early as in the year 1969 and the settlement had been made in the year 2003. Therefore, alienation by way of assignment is beyond the period stipulated in the condition, namely, 20 years. When assignment is made under the Land Reforms Act, there can be no condition stipulated that the person who was assigned the land would have to only alienate the property within the particular class and such being the position,



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I do not find any reason to interfere with the impugned communication in the Writ Petition.

9. In fine, this Writ Petition is dismissed. There shall be no order as to costs.

06.01.2023

NCC: Yes / No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Director,
Land Reforms and Administrative Office,
Chepauk, Chennai – 600 005.
2. The Assistant Commissioner,
Land Reforms Departments,
Chepauk, Chennai – 600 005.



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K.KUMARESH BABU, J.

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Order made in
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