



W.P(MD)No.1418 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1418 of 2023

L.Rajadurai

... Petitioner

Vs

1.The District Revenue Officer,
Sivagangai,
Sivagangai District.

2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to Assignment Land to the petitioner bearing S.No.242/1, an extent 0.61.0 Ares, Punjai Land situated at Iluppakkudi Group, Karaikudi Taluk, Sivagangai District based on the petitioner's representation dated 11.01.2022.

For Petitioner : Mr.T.Joshua

For Respondents : Mr.G.Suriyananth
Additional Government Pleader



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ORDER

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Heard the learned counsel on either side.

2.The petitioner's father was assigned with the petition mentioned land way back in the year on 30.06.1998. The assignment was subsequently cancelled on the ground that the assignment conditions had been violated. Challenging the same, the petitioner's father filed W.P(MD)No.7680 of 2009. It was allowed on 24.01.2014. Challenging the same, the department filed writ appeal but there was a delay. The Hon'ble Division Bench dismissed the petition filed for condoning the delay. Aggrieved by the same, the respondents filed Rev.Aplc(MD)No.90 of 2018. That was also dismissed on 10.11.2022.

3.All that the petitioner now wants is issuance of patta. The respondents have filed counter affidavit and the learned Additional Government Pleader took me through its contents. The stand of the respondents is that only the Commissioner of Land Administration has the power to remove the entry in the prohibitory book since the guideline value is above Rs.500/- (Rupees Five Hundred only). Such a stand taken by the respondents cannot be appreciated. Two facts are beyond dispute:

a)Assignment was issued in favour of the petitioner's father



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b)The order of cancelling the assignment was set aside by this Court and the same has become final.

4.The only conclusion is that the assignment issued in favour of the petitioner's family is still holding good. Therefore, consequential patta will have to be necessarily issued by the first respondent. The first respondent cannot take the stand that he has no power. The first respondent is only implementing the order passed by the High Court.

5.I therefore direct the first respondent to issue patta in favour of the legal heirs of the original assignee within a period of twelve weeks from the date of receipt of a copy of this order. It is open to the first respondent to obtain a formal departmental approval from the Commissioner of Land Administration before issuing assignment patta in favour of the writ petitioner.

6.This writ petition is allowed on these terms. There shall be no order as to costs.

14.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

MGA

To

- 1.The District Revenue Officer,
Sivagangai,
Sivagangai District.
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- 3.The Tahsildar,
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