



W.P.(MD)No.6081 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.6081 of 2021

and

W.M.P.(MD).Nos.4730, 4731 and 10795 of 2021

1.S.Rakkammal

2.K.Rakkammal

3.M.Gopal

4.Malairaj

5.M.Muniyandi

6.Selvi

7.Latha

8.S.Muniyandi

9.Muthulakshmi

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.



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2.The Tahsildar,
Thiruchuli Taluk, Virudhunagar District.

3.M.Murugan ...Respondents
(Respondent No.3 impleaded vide Order of this Court dated 13.10.2023
made in W.M.P.(MD).No.5529 of 2023 in W.P.(MD).No.6081 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order made by the 1st respondent in Na.Ka.A3/2911/2020-1 dated 08.12.2020 and quash the same as illegal.

For Petitioners : Ms.Jasima Yasmin
for Ajmal Associates

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader
(R-1 & R-2)

: Mr.S.Balamurugan
(R-3)

ORDER

This Writ Petition has been filed Challenging the impugned proceedings issued by the first respondent in Na.Ka.A3/2911/2020-1 dated 08.12.2020, cancelling the assignment made in favour of the petitioners.

2. The case of the petitioners is that they were assigned the subject properties and for easy understanding, the same is tabulated



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hereunder:

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S.No.	Petitioner	Survey No.	Assignment No.	Year of Assignment
1.	S.Rakkammal	253/24	335	2007
2.	K.Rakkammal	253/20	331	1998
3.	M.Gopal	253/28	372	2007
4.	Malairaj	253/21	332	1998
5.	M.Muniyandi	253/27	371	2007
6.	Selvi	253/29	373	2007
7.	Latha	253/26	370	2007
8.	S.Muniyandi	253/22	333	1998
9.	Muthulakshmi	253/30	389	2012

3. The grievance of the petitioners is that based on the order passed by this Court in W.P.(MD).No.8141 of 2020, dated 28.07.2020, the first respondent had initiated proceedings for cancellation of the assignment. Notice was issued to the petitioners and based on the notice, the petitioners appeared before the first respondent and the petitioners were informed that they will be called for an enquiry at a future date. However, the impugned proceedings came to be issued by the first respondent, cancelling the assignment made in favour of the petitioners. Aggrieved by the same, the present Writ Petition has been filed before this Court.



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4. The second respondent has filed a counter affidavit. The second respondent has stated that the petitioners have not constructed the houses and had violated the conditions stipulated in the assignment orders and therefore, the first respondent has cancelled the assignment orders. Therefore, the respondents have sought for dismissal of this Writ Petition.

5. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for respondents 1 and 2 and the learned counsel appearing for the third respondent.

6. The main ground that was urged by the learned counsel for the petitioners is that even as per the assignment order, it is enough if the assignee puts up a thatched house (கூரை போட்டதுமான / தாரிக போட்டதுமான). It was contended that except for the third and ninth petitioners, all the other petitioners had put up a thatched structure and had complied with the conditions imposed in the assignment order. As on today, Muthulakshmi / ninth petitioner had also put up a structure and only Gopal / third petitioner is yet to be put up any construction in the subject



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property.
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7. This Court wanted to understand the reason behind the initiation of proceedings by the first respondent for cancellation of the assignment order and hence, this Court carefully went through the earlier order passed by this Court in W.P.(MD).No.8141 of 2020. The Writ Petition was filed as a Public Interest Litigation by one Ramakrishnan on the ground that large scale irregularity is taking place in the assignment of lands and that the assignment of lands are being given to the same family members, the persons, who already possess other properties and also to non residents. This Court took into consideration these serious allegations that were made and therefore, directed the first respondent to conduct an enquiry and pass orders in accordance with law. The reasons that were assigned before this court, if found to be true, justifies the cancellation of the assignment order. Therefore, the cancellation was sought for on certain serious grounds that were raised before this Court.

8. On carefully going through the impugned proceedings of the first respondent, it is seen that the first respondent has not gone into any of these grounds and the first respondent has merely taken into account



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one of the condition imposed in the assignment deed which provides for putting up a construction in the land assigned within a stipulated period.

The first respondent proceeded to ascertain if any construction has been put up and on that ground, the impugned proceedings dated 08.12.2020 came to be issued. Out of the nine petitioners, two were found to have not put up any construction and the rest had put up constructions. In view of the same, the impugned proceedings came to be issued cancelling the assignment granted in favour of the petitioners.

9. The first respondent did not understand the seriousness behind the order passed by this Court in the Public Interest Litigation. The first respondent has resorted to an easier route to cancel the assignment rather than going into the serious illegalities that were pointed out before this Court. In view of the same, this Court is inclined to remand the matter back to the file of the first respondent. The first respondent, shall apart from looking at the compliance of the conditions imposed in the assignment, must also look into other illegalities that were pointed out where assignment of lands are being given to the same family members to persons, who already possess other properties and also to non residents and



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render a finding on those issues also. It goes without saying that the first respondent will afford an opportunity to all the interested parties and thereafter, proceed further to pass orders strictly in accordance with law.

10. In the light of the above discussion, the impugned proceedings of the first respondent in Na.Ka.A3/2911/2020-1 dated 08.12.2020 is quashed insofar as the petitioners are concerned and the matter is remanded back to the file of the first respondent. The first respondent shall conduct the enquiry in the manner stated supra and final orders shall be passed within a period of three (3) months from the date of receipt of a copy of this order.

11. The Writ Petition is disposed of with the above directions.
No costs. Consequently, the connected miscellaneous petitions are closed.

13.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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N.ANAND VENKATESH, J.

tsg

To

- 1.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
- 2.The Tahsildar,
Thiruchuli Taluk, Virudhunagar District.

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