



W.P. (MD).No.8646 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

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DATED: 17.11.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.8646 of 2021
and WMP(MD)Nos.6516 and 6517 of 2021

Karuppathal

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Revenue and Disaster Management Department,
St. George Fort, Chennai 600 009.
2. The Addl. Commissioner of Land Administration,
Chepauk, Chennai 600 005.
3. The District Revenue Officer,
New Agraharam, Karunanidhi Nagar,
Dindigul 624 001.
4. The Revenue Divisional Officer,
Indira Nagar, Palani, Dindigul District.
5. The Tahsildar,
Ottanchathiram Taluk, Sakleshpur,
Ottanchathiram 624 619 Dindigul District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the impugned orders of the 4th respondent in Na.Ka.No.6988/2011/A6, dated 29.11.2013 and the subsequent order of the 3rd respondent in Na.Ka.No.94/2014/D1, dated 05.03.2018 and the consequent order of the 2nd respondent in proceedings No.F1/9765/2018, dated 19.03.2021 and quash the same.

For Petitioners : Mr. T.R.Jeyapalam

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the fourth respondent, dated 29.11.2013, which was subsequently confirmed by the third respondent on 05.03.2018 and which was once again confirmed by the second respondent through proceedings, dated 19.03.2021.

2.Heard, the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



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3.The subject property was assigned in favour of the petitioner through proceedings, dated 16.11.2006 issued by the fifth respondent. This assignment was made on the ground that the petitioner is a landless poor. The assignment order itself provides for the terms and conditions to be satisfied, failing which, the assignment will be cancelled.

4.One of the main condition that has been imposed under the assignment deed is that the land must be utilised for agricultural purposes within a period of one year, failing which, the assignment will be cancelled. An inspection was conducted in the year 2013 and it was found that the land has not been put to agricultural purposes and there were thorny bushes all over the land.

5.The fourth respondent initiated proceedings for the cancellation of the assignment mainly on two grounds. The first ground is that the petitioner had violated the condition of assignment by not using the land for agricultural purposes. The second reason that was put against the petitioner is that the petitioner had suppressed the fact that her mother-in-law was owning a property in S.No.21/2B and hence, the



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ground was taken to the effect that the petitioner cannot be considered to belong to a landless poor family.

6.The petitioner was given opportunity of hearing and assignment was cancelled by the fourth respondent through the impugned proceeding, dated 29.11.2013 and that was confirmed by the third respondent and also by the second respondent.

7.In the considered view of this Court, this Court, while exercising its jurisdiction in a writ of Certiorari, cannot sit as an appellate Authority and this Court must only see whether the order suffers from apparent illegality on the face of record. All the authorities have concurrently found that the property has not been put to cultivation. A spot inspection was done in the year 2013 and the property only contained thorny bushes. This was the state of the land, after it was assigned in the year 2006. The spot inspection done by the authorities cannot be disregarded by this Court. Therefore, the condition of the assignment has been violated that warrants the cancellation of the assignment. That apart, it was also found that the petitioner does not



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belong to a landless poor family, since her mother-in-law was owning several lands.

8.This Court does not find any ground to interfere with the impugned proceedings of the respondents and that too, where three authorities have concurrently held against the petitioner.

9.In the result, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

17.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM



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N.ANAND VENKATESH, J.

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