



W.P.(MD)No.11383 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.06.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.11383 of 2020

and

W.M.P.(MD).No.9957 of 2020

M.Nachimuthu

... Petitioner

Vs.

1.The Land Administrative Commissioner,
Land Administrative Commissioner Office,
Ezhilagam, Chepauk,
Chennai.

2.The District Collector,
Collectorate Building,
Dindigul District.

3.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Dindigul District.

4.The Block Development Officer,
Block Development Office,
Sannarpatti,
Dindigul District.

5.The Tahsildar,
Tahsildar Officer, Dindigul East,
Dindigul District.

... Respondents



W.P.(MD)No.11383 of 2020

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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 03.09.2019 and pass orders.

For Petitioner :Mr.V.Illanchezian

For Respondent :Mr.D.Ghandiraj
Special Government Pleader for R1 to R3, R5

:Mr.C.M.Marichellaiah for R4

ORDER

This writ petition has been filed for a Mandamus directing the respondents to consider the representation of the petitioner dated 03.09.2019.

2. The representation was made by the petitioner questioning the cancellation of the assignment issued in favour of his vendors Perumal Mathari and Kaliappan Sampan on 11.03.1983 and 18.03.1983 respectively. The petitioner would submit that the lands in question were assigned to one Perumal Mathari in the year 1973. He had died intestate, leaving behind his



W.P.(MD)No.11383 of 2020

WEB COPY

daughter Seeniammal, who had executed a power of attorney in favour of one Arockiyam. The said Arockiam had in turn, executed a sale deed, dated 07.03.2005 in favour of the petitioner. This was with reference to the property in Survey No.845/3 as regards the land in Survey No.846/1. The same has been assigned to Kaliappan Sampan on 06.02.1973, who had executed a power of attorney in favour of Arockiyam on 03.01.2005. On 07.03.2005, the said Arockiyam executed a sale deed in favour of the petitioner who has been in possession and enjoyment of the property since then. Thereafter, the petitioner came to learn that the assignment in favour of Perumal Mathari and Kaliappan Sampan had been cancelled by proceedings dated 11.03.1983 and 18.03.1983 respectively. Therefore the petitioner sent a representation to the respondents. During the pendency of the said representation, the petitioner is before this Court.

3. Heard the learned counsel appearing on either side.

4. Considering the fact that already, the assignment has been cancelled by proceedings dated 11.03.1983 and 18.03.1983 respectively.



W.P.(MD)No.11383 of 2020

WEB COPY

The remedy available to the petitioner is only to assert his right by way of filing a suit and not by invoking the extraordinary jurisdiction of this Court.

The petitioner is at liberty to work out his remedy before the appropriate forum.

5. Accordingly, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.06.2023

NCC :Yes/No
Index :Yes/No
sbm



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W.P.(MD)No.11383 of 2020

P.T.ASHA, J.

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