



W.P.(MD)No.15858 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15858 of 2021

and

W.M.P.(MD)Nos.12775, 12776 and 12778 of 2021

1.N.Periyasamy

2.Vasanthi

... Petitioners

Vs.

1.The Additional Commissioner of Land,
Administration, Chepauk,
Chennai 600005.

2.The District Collector,
Dindigul, Dindigul District.

3.The District Revenue Officer,
Dindigul, Dindigul District.

4.The Tahsildar,
Ottanchathiram Taluk,
Dindigul District.

5.M.Jeyakumar

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent herein in Proc.No.F1/19258/2006 dated 19.03.2021, quash the same and consequently



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forbear the respondents herein their men, agents or any one from in any manner interfering with the peaceful possession and enjoyment of 2.5 acres of land in Survey No.592/2 in Kariyampatti, Ottanchathiram Taluk, Dindigul, by virtue of title acquired by petitioners by registered sale deed dated 29.06.1981 beyond the mandatory holding period of assignment of land made on 03.05.1970.

For Petitioner : Mr.S.R.Suresh Kumar
For R1 to R4 : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 19.03.2021 and for a consequential direction to forbear the respondents from interfering with the peaceful possession and enjoyment of the property in Survey No.592/2 measuring an extent of 2.5 acres at Kariyampatti, Ottanchathiram Taluk, Dindigul District.

2.The case of the petitioners is that they are the absolute owners of the property in Survey No.592/2 measuring an extent of 2.5 acres out of five acres in the said survey number. The land originally belonged to one Perumal Madharai by virtue of the assignment made in his favour. The first petitioner and his brother N.Balasubramani purchased the property through a registered sale deed dated 29.06.1981. Thereafter, the first petitioner claims



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that he and his brother were doing cultivation in the property and a joint patta was also issued in their names.

3.The second petitioner is the wife of the first petitioner's brother. The grievance of the petitioners is that, the first respondent all of a sudden issued a notice to the petitioners on the ground that the original assignment that was issued in favour of Perumal Madharai in the year 1970 is going to be cancelled on the ground that there is violation of assignment conditions. The petitioners were not provided with sufficient opportunities and ultimately, the impugned order was passed by the first respondent cancelling the assignment made in favour of Perumal Madharai. Consequently, attempts were made to interfere with the possession and enjoyment of the property. It is in these circumstances, the present writ petition was filed before this Court.

4.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the official respondents.

5.On carefully going through the order passed by the first respondent, it is seen that insofar as Survey No.592/2, the land measuring an extent of 5 acres was assigned in favour of one Perumal Madharai on the ground that he



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belongs to oppressed class and the lands were given only for doing agricultural activities. The said Perumal Madharai had sold 2.5 acres out of 5 acres to the first petitioner and his brother in the year 1981. By concealing this assignment, the said Perumal Madharai obtained yet another assignment in Survey No. 1164/7 on 15.02.1980 measuring an extent of 3 acres. These facts were brought to the notice of the official respondents and hence, the enquiry was conducted.

6.Insofar as the petitioners are concerned, there is a violation of RSO No.15(41), since the land has been sold in favour of the persons, who did not belong to the Scheduled Caste community. Originally the assignment was made in favour of Perumal Madharai, who belongs to Scheduled Caste community and even if he wants to sell the same, it can be sold only in favour of the persons belonging to Scheduled Caste community. On these grounds, the original assignment itself was cancelled. That apart, the same person, namely Perumal Madharai once again got an assignment by concealing the earlier assignment and that was also cancelled.

7.In the considered view of this Court, the impugned order passed by the first respondent does not suffer from any error of law apparent on the face of the record. The first respondent has assigned sufficient reasons while passing



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the order. The petitioners are tracing their right by virtue of the registered sale deed dated 29.06.1981. If the original assignment itself is cancelled on account of the violation of assignment conditions, the sale deed which was based on that must also fall. Admittedly, the sale has been made in favour of non - Scheduled Caste person. Hence, the assignment was cancelled and there is no ground to interfere with the same.

8.In the light of the above discussions, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

12.12.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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To

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