



W.P.(MD)No.19109 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19109 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

P.Lakshmanan

... Petitioner

versus

1. The District Revenue Officer,
Sivagangai.

2. The Revenue Divisional Officer,
Devakkottai.

3. The Tahsildhar,
Karaikudi.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 1st respondent dated 13.11.2014 in Na.Ka.C2/54392/2008 and quash the same as illegal and consequently direct the respondents herein to forthwith carry out the appropriate mutations in the revenue records and issue patta in the



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name of the petitioner for the punja lands in S.No.242/1 measuring 0.61.0 Ares, in Ilupakudi Village in Karaikudi Taluk, Sivagangai District.

For Petitioner : No appearance

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Govt. Pleader

ORDER

This writ petition is filed challenging the proceedings of the first respondent/the District Revenue Officer, Sivagangai, in Na.Ka.C2/54392/2008, dated 13.11.2014. By the order impugned in this writ petition, the first respondent has cancelled the order of assignment granted in favour of the petitioner that the value of the land is Rs.36,17,658/- per hectare.

2. The petitioner, claiming to be a landless person, submitted an application for assignment of land and the third respondent, by his proceedings dated 30.06.1998, assigned 0.61.0 ares of punja land in



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S.No.242/1, in Ilupakudi Village in Karaikudi Taluk to the petitioner, on condition that he should not alienate the property within 10 years of assignment.

3. The petitioner claims that he is cultivating the land and has not violated the condition of assignment. While so, the second respondent, by his proceedings dated 01.08.2008 cancelled the assignment made in favour of the petitioner, without providing an opportunity to him. Therefore, the petitioner has preferred an appeal before the first respondent. The first respondent has also rejected the appeal by order dated 17.07.2009. The petitioner has challenged the same by way of writ petition before this Court in W.P.(MD)No.7680 of 2009 and this Court, by order dated 24.01.2014, set aside the order passed by the first and second respondents. In the meantime, based on the order of the second respondent dated 01.08.2008, certain changes made in the revenue records and an entry has also been made in the prohibitory book. Therefore, he made a representation along with the copy of the



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order passed by this Court in W.P.(MD)No.7680 of 2009, requesting the respondents to issue patta in his name by making necessary mutation in the revenue records and for removing entry in the prohibitory book. Since the same has not been considered by the respondents, the petitioner has filed another writ petition in W.P. (MD)No.9625 of 2014 and this Court, by order dated 18.06.2014, directed the first respondent to pass appropriate orders within a period of eight weeks. The first respondent, by order dated 13.11.2014, rejected the request of the petitioner. Aggrieved over that, the present writ petition is filed.

4. When this writ petition was taken up for hearing on 28.03.2023, the learned counsel for the petitioner submitted that he has given change of vakalath and also filed a memo to that effect. Therefore, the Registry was directed to print the name of the petitioner in the cause list and list the matter on 03.04.2023. The counsel was also directed to intimate about the listing of this case to the petitioner.



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However, today, there is no representation for the petitioner.

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5. The learned Additional Government Pleader submits that the petitioner died and he has also produced the death certificate of the petitioner.

6. The learned Additional Government Pleader, by referring the counter affidavit filed by the third respondent/the Tahsildar, Karaikudi, submits that the petitioner is already having a piece of land in Patta No. 2106 to an extent of 1.57.0 hectare of dry land and 0.03.0 hectare of wet land at Illupakudi Village, karaikudi Taluk before the allotment of the assignment. By suppressing the land owned by him, he has obtained an order of assignment from the 3rd respondent. Therefore, he is not entitled for assignment.

7. Since the petitioner is reported dead, instead of keeping this writ petition pending, this Court is inclined to dispose of the writ



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petition by giving liberty to the legal heirs of the petitioner, if any, to challenge the same by restoring this writ petition, if so advised.

8. Accordingly, the writ petition is disposed of by giving liberty to the legal heirs of the petitioner, if any, to challenge the same by restoring this writ petition, if so advised No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2023

ogy
NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

To

1. The District Revenue Officer,
Sivagangai.
2. The Revenue Divisional Officer,
Devakkottai.
3. The Tahsildhar,
Karaikudi.



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B.PUGALENDHI, J.

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