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W.P.(MD)NO.20578 OF 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20578 of 2014 AND
M.P.(MD)No.1 of 2014

K.Perumalsamy

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar,
Sivakasi,
Virudhunagar District.

3. N.Alamelu Ammal

4. Lakshmi

5. Balakrishnan

6. Sakkammal

7. Chelladurai

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to resume Panchami lands bearing survey Nos.878/15 and 878/11 Iyan Punja measuring to an extent of each acre 2 cents 50 situated at Nathikudi Village,



Sathur Taluk, Virudhunagar District having been allotted originally to respondents 4 and 6 by the second respondent and subsequently sold out to the third respondent by respondents 4 and 6 forthwith and made the same to be used as pathway and cart track to the petitioner and others.

For Petitioner : Mr.S.Palanivelayutham
For R-1 & R-2 : Mr.D.Gandhiraj,
Special Government Pleader.
For R-5 : Mr.R.Karunanithi
For R-3 & R-7 : No appearance.

* * *

ORDER

Heard both sides.

2. The petition-mentioned lands were allotted in favour of respondents 4 and 6 on 26.08.1994. Even before the conclusion of the mandatory tenure period, they had sold the properties in favour of the third respondent. In the year 1995, subsequently, they cancelled the same and once again they resold on 09.10.1996. Contending that the alienation made by the allottees was in breach of the terms and conditions, the present writ petition came to be filed.



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3. In the writ petition, the petitioner had stated that the lands are Panchami lands and that therefore, they should be resumed.

4. The learned Special Government Pleader clarified that the lands were only poramboke lands and they are not Panchami lands. As to whether for breach of the assignment terms and conditions, the lands should be resumed or not is left to discretion of the Government. It is not for the petitioner to demand it as a matter of right. The petitioner may not have *locus standi*. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



4

W.P.(MD)NO.20578 OF 2014

G.R.SWAMINATHAN,J.

PMU

To:

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Tahsildar,
Sivakasi,
Virudhunagar District.

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