



W.P(MD)No.1090 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1090 of 2015

and

M.P(MD)No.1 of 2015

P.Sankaralingam

... Petitioner

Vs

1.The Additional Chief Secretary
and Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

4.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records of



W.P(MD)No.1090 of 2015

the first respondent in Rc.No.G2/4006/11 dated 26.09.2014 quash the same and consequently restore the assignment order made in favour of the petitioner by the fourth respondent in A1/D.C.8/12/1414A1/1697/05 on 02.03.2005.

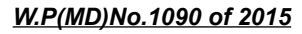
For Petitioner : Mr.A.Sivaji

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The learned counsel appearing for the writ petitioner informs the Court that he has received a letter calling upon him to withdraw the writ petition itself. Considering the facts and circumstances, permission to writ draw this writ petition is rejected. Such a course of action is not necessary to be adopted for two reasons:

a) The subject matter pertains to cancellation of the assignment of land made in favour of the petitioner vide order dated 15.07.2009 passed by the District Revenue Officer, Virudhunagar. This cancellation order was confirmed by the Commissioner of Land Administration on 26.09.2014. The assignment was made in favour of the petitioner by the Tahsildar, Sivakasi on 02.03.2005. Thiru.Nageswaran, Assistant working in Taluk Office, Sivakasi informs this Court that in the assigned land which is the subject matter of this writ petition, one Government Arts and Science College, Sivakasi Taluk, Anaiyur Village has been put up. Therefore nothing survives for further adjudication. When a



“4. Notice of motion returnable in four weeks. In view of the aforesaid submission, there shall be a limited stay for a period of four weeks to the effect that apart from the lands taken for the Higher Education Department, the remaining lands shall not be altered or assigned to any other department till 27.02.2015.”

b) Coming to the merits of the matter, the value of the land even during the relevant time was more than Rs.8 Lakhs. It was obviously beyond the monetary limit of the assigning authority (Tahsildar, Sivakasi). In the counter it has been stated that a land worth Rs.8 Lakhs has been arbitrarily shown as valued at Rs.50,000/-. During relevant time (2005), Tahsildar's monetary limit was only up to Rs.10,000/- as per G.O(Ms)No.66 Revenue Department dated 06.02.1999. Even as per G.O(Ms)No.248 Revenue Department dated 28.07.2009 the monetary limit was Rs.30,000/-. Looked at from any angle, the assignment of the land was illegal and without jurisdiction.



W.P(MD)No.1090 of 2015

2. One another reason set out in the impugned order passed by the District Revenue Officer is that the eligibility of the petitioner for getting assignment has not been shown. No case for interference is made out.

3. This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.08.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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and Commissioner of Land Administration,
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W.P(MD)No.1090 of 2015

G.R.SWAMINATHAN, J.

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