



W.P(MD)Nos.2471 to 2475 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.2471 to 2475 of 2015

W.P(MD)Nos.2471 of 2015:

V.Chidambaram

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,,
Sivagangai District,
Sivagangai.

4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District,
Sivagangai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to carry out the necessary entries or corrections in the revenue records pertaining to the



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Petitioner's assignment lands in Survey No. 409/1 to an extent of 3.00 acres situated at Karaikudi Taluk, Sivagangai District as per the Government Order dated 31.01.1972 in Serial D.A No. 1517/81 within the time stipulated by this Court.

For Petitioner : Mr.S.Raja Sekar

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

W.P(MD)Nos.2472 of 2015:

R.Durairaj

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District,
Sivagangai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to carry out the necessary entries or corrections in the revenue records pertaining to the



W.P(MD)Nos.2471 to 2475 of 2015

Petitioner's assignment lands in Survey No. 411/4 to an extent of 3.00 acres situated at Karaikudi Taluk, Sivagangai District as per the Government Order dated 31.01.1972 in Serial D.A No. 1519/80 within the time stipulated by this Court.

For Petitioner : Mr.S.Raja Sekar

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

W.P(MD)Nos.2473 of 2015:

C.Sengamalan

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District,
Sivagangai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



W.P(MD)Nos.2471 to 2475 of 2015

praying to issue a Writ of Mandamus, directing the fourth respondent to carry out the necessary entries or corrections in the revenue records pertaining to the Petitioner's assignment lands in Survey No. 412/2 to an extent of 2.53 Acres situated at Karaikudi Taluk, Sivagangai District as per the Government Order dated 31.01.1972 in Serial D.A No.1521/81 within the time stipulated by this Court.

For Petitioner : Mr.S.Raja Sekar

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

W.P(MD)Nos.2474 of 2015:

R.M.Mariappan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District,
Sivagangai.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to carry out the necessary entries or corrections in the revenue records pertaining to the Petitioner's assignment lands in Survey No. 411/2 to an extent of 3 Acres situated at Karaikudi Taluk, Sivagangai District as per the Government Order dated 31.01.1972 in Serial D.A No. 1556/81 within the time stipulated by this Court.

For Petitioner : Mr.S.Raja Sekar

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

W.P(MD)Nos.2475 of 2015:

R.Jeyaraman

... Petitioner

Vs

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
- 4.The Tahsildar,
Karaikudi Taluk,



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Sivagangai District,
Sivagangai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to carry out the necessary entries or corrections in the revenue records pertaining to the Petitioner's assignment lands in Survey No. 414/4 to an extent of 3.00 acres situated at Karaikudi Taluk, Sivagangai District as per the Government Order dated 31.01.1972 in Serial D.A No. 1523/81 within the time stipulated by this Court.

For Petitioner : Mr.S.Raja Sekar

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

COMMON ORDER

Heard the learned counsel on either side.

2. The orders of assignment were made way back in the year 1972 either in favour of the writ petitioners or their parents. Their grievance is that till date, their names have not been entered in the revenue record. Seeking mutation of revenue records in their favour, the present writ petition came to be filed.



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3. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that the assignment orders had long ago been cancelled by the Sub Collector, Devakottai. The petitioner's counsel argues that the petitioners were not put on notice and that they have not even been communicated with the copies of the cancellation order. The learned Additional Government Pleader is not in a position to produce the relevant file. Counter affidavit has also not been filed. However on the strength of the cancellation order dated 25.04.2008 passed by the Sub Collector, Devakottai, the learned Additional Government Pleader contends that since assignees did not bring the lands to cultivation within the stipulated period, the cancellation order came to be passed. He pointed out that after passing cancellation orders, assignments were made in favour of fresh set of people and even those assignments came to be cancelled in April 2008. The learned Additional Government Pleader may be factually correct. But the core question is whether before cancelling the assignments issued in the present cases, whether notices were sent and principles of natural justice were complied with. Since the officials are unable to produce the cancellation order issued in the present cases and since the files are also not available, I have to proceed on the footing that the cancellation orders said to have been passed are nullity and liable to be ignored. Of course, in the cancellation order it has been mentioned that notice



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was issued to the assignees and that only two of them responded. But there is no material to substantiate this recital found in the cancellation order.

4. I, therefore, have to assume that the cancellation order was passed without putting the interested parties / assignees on notice. Any order passed in violation of the principle of natural justice can be ignored as nullity. However, in view of the stand taken by the respondents, liberty is given to the respondents to issue fresh notices to all the interested parties / assignees / legal heirs of the assignees. After hearing them, final orders shall be passed on merits and in accordance with law. The entire exercise shall be completed within a period of five months from the date of receipt of copy of this order. If any adverse order is passed against the petitioners, it is open to the petitioners to question the same. If no order is passed, the revenue records shall be mutated as prayed for.

5. These writ petitions are disposed of accordingly. There shall be no order as to costs.

14.09.2023

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



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To

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Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
Sivagangai District,
Sivagangai.
3. The Revenue Divisional Officer,,
Sivagangai District,
Sivagangai.
4. The Tahsildar,
Karaikudi Taluk,
Sivagangai District,
Sivagangai.



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G.R.SWAMINATHAN, J.

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