



W.P(MD)No.7275 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7275 of 2015
and
M.P.(MD)No.1 of 2015

Mariammal

... Petitioner

Vs.

- 1.The District Revenue Officer,
Trichy District, Trichy.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Trichy District, Trichy.
- 3.The Tahsildar,
Marungapuri Taluk,
Trichy District.
- 4.Duraisamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Order passed by the 1st Respondent in his Proceedings Na.Ka.Aa2/11217/2014 dated



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31.03.2015 and quash the same as illegal and consequently direct the 3rd respondent to restore the name of the petitioner in the patta in respect of lands in Survey No.268/2 an extent of 2.17 Acres in Muthaalvarpatti Village, Marungapuri Taluk, Trichy District, within the period that may be stipulated by this Court.

For Petitioner : Mr.D.R.Murugesan

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 to R3.
Mr.M.Saravanan for R4.

ORDER

Heard both sides.

2.The petitioner herein purchased the petition mentioned property vide sale deed dated 12.12.2007. Her vendors had purchased the property from one Manivasagam, Manivannan and Kosalai Ammal. The said Kosalai Ammal had been assigned the property in question in the year 2000. The petitioner has not filed the copy of the assignment order. I take judicial notice of the fact that normally in any assignment order, there will be condition that the assigned land should not be alienated for a given period. It can be 10 years or 20 years. Even



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thereafter, it can be alienated only with the permission of the jurisdictional Revenue Divisional Officer. In this case, the burden is on the petitioner to show that such restrictive conditions were not imposed. Inasmuch as this burden has not been discharged, I am not in a position to grant relief. It is open to the petitioner to move the jurisdictional Civil Court for appropriate relief to vindicate her rights.

3. With this liberty to the writ petitioner, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.09.2023

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

1. The District Revenue Officer,
Trichy District, Trichy.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Trichy District, Trichy.
3. The Tahsildar,
Marungapuri Taluk,
Trichy District.

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G.R.SWAMINATHAN, J.

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