



WP(MD)No.19560 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.19560 of 2016

Ravi

... Petitioner

v.

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

2.The District Collector,
Theni District.

3.The Revenue Divisional Officer,
Uthamapalayam Taluk,
Theni District.

4.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Mandamus directing the respondents 2 to 4 to



WP(MD)No.19560 of 2016

reassign the land in S.No.226/2 measuring 4.99 cents in the name of the petitioner and the other legal heirs of the original assignee, viz., Pechiyammal W/o.Ocha Thevar, by disposing his representation dated 01.08.2016, under the Kallar Jary Rules.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.C.Baskaran
Government Advocate

ORDER

The petitioner has filed this writ petition for a mandamus directing the respondents to reassign the land in S.No.226/2 measuring 4.99 cents in the name of the petitioner and the other legal heirs of the original assignee, viz., Pechiyammal, by considering his representation dated 01.08.2016.

2.The case of the petitioner is that the land in S.No.226/2 was originally allotted to his grandmother, Pechiyammal, in the year 1971 and they are in occupation of the property ever since. One Manoharan, by creating a document, has entered into the land and claimed that he has purchased the land from the petitioner's grandmother. In this context, one Anbalagan has



WP(MD)No.19560 of 2016

also filed a writ petition before this Court in WP(MD)No.18505 of 2005 and this Court, by order dated 12.10.2015, directed the authorities to conduct an enquiry with regard to the allegations levelled therein. According to the petitioner, the land which has been assigned under the Kallar Reclamation cannot be sold to any other person other than the Kallar Community, violating the Kallar Jary Rules. Therefore, he prayed for appropriate orders for reassignment.

3.Learned Government Advocate appearing for the respondents submitted that pursuant to the order passed by this Court in WP(MD)No. 18505 of 2015, the first respondent / Commissioner of Land Administration has conducted an enquiry and has passed an order dated 10.06.2016, nullifying the sale deed of one Manoharan and also cancelling the allotment order issued under Kallar Jary Rules in favour of the petitioner's grandmother, Pechiyammal, for violating the terms and conditions.

4.The Commissioner of Land Administration has passed an order on 10.06.2016 cancelling the allotment order issued in favour of the petitioner's



WP(MD)No.19560 of 2016

grandmother, Pechiyammal, for violating the Kallar Jary Rules. This writ petition was filed in the month of October, 2016. However, there is no whisper as to the orders passed by the Commissioner of Land Administration in the affidavit filed by the petitioner.

5. Since the order of assignment in favour of the original allottee, Pechiyammal, itself has been cancelled, no further orders can be passed in this writ petition, directing the respondents for any reassignment. Accordingly, this writ petition stands disposed of, with liberty to the petitioner to challenge the order of the first respondent dated 10.06.2016, in the manner known to law, if so advised. No costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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WP(MD)No.19560 of 2016

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WP(MD)No.19560 of 2016

B.PUGALENDHI, J.

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WP(MD)No.19560 of 2016

21.04.2023