



W.P(MD)No.24403 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24403 of 2022

Kuppamuthu

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Thasildar,
Kalaiyarkovil Taluk,
Sivagangai Dstrict.

3.The Village Administrative Officer,
Adhapadakki Group,
Kalaiyarkovil Taluk,
Sivagangai District.

4.The Commissioner of Survey and Settlement,
Sivagangai, Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to demarcate the land in Survey No.370/2, in Kadiyavayal Village, Adhapadakki Group, Kalaiyarkovil Taluk, Sivagangai District and fixed the boundaries stones on the four boundaries allotment plots of the petitioner and other



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beneficiaries in survey No.370/2 as per the allotment proceedings in T.A.25/1404, dated 20.10.1995 based on the petitioner's application dated 09.06.2022 and representation dated 04.06.2022.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.An assignment order was issued in favour of the writ petitioner in respect of the petition mentioned land. The petitioner wants the same to be demarcated and boundaries fixed. Hence, the present writ petition has been filed.

3.When the matter was taken up for hearing, the learned Special Government Pleader submitted that since the assignee did not comply with the terms of the assignment, there is proposal to cancel the assignment and re-assignee in favour of eligible person. He pressed for dismissal of the writ petition.



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4.I cannot appreciate the objection taken by the jurisdictional Tahsildar.

There is nothing on record to show that after assignment order was passed, the assigned land was duly earmarked and handed over to beneficiary. When the authority has not done so, the beneficiary cannot be blamed. It is true that often assignment conditions are subject to certain terms and conditions. The conditions can be that the assignee should put up construction. It can be that the assignee should bring up the land for cultivation. Time limit are usually stipulated. But the performance of the condition within the time limit will arise only if the possession of the land is physically handed over to the assignee. In this case, that has not been done. Without doing so, the authorities want to blame the assignee. This is unacceptable. I, therefore, direct the second respondent to earmark the petition mentioned land after conducting survey and fix boundaries stones. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5.This writ petition is allowed on these terms. No costs.

24.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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