



W.P(MD)No.24628 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24628 of 2016

R.Chandrasekaran

... Petitioner

Vs

- 1.The Distirct Collector,
O/o.the District Collector,
Sivagangai,
Sivagangai District.
- 2.The District Revenue Officer,
O/o. the District Revenue Office,
Sivagangai, Sivagangai Dist.
- 3.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Sivagangai, Sivagangai Dist.
- 4.The Thasildhar,
Manamadurai Taluk, Manamadurai,
Sivagangai Dist.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to confirm the land assignment to the petitioner and fixing the valid sale consideration of the land situated in survey No.



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172/5- with extent of 5 acres punja land which was assigned by the Special Thasildar order dated 31.12.1968 in Roc.No.D.A.B5.459/68 by considering the representation sent by the Petitioner dated on 21.10.2016 within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner was assigned with a land in S.No.172/5 to an extent of 5 acres, Kuvalaiveli Village, Manamadurai Taluk, Sivagangai District, by way of an order of assignment by the Special Tahsildar, dated 31.12.1968. The said order of assignment was cancelled on 18.11.1991 due to non-payment of the amount. As against which, the petitioner has preferred an appeal before the District Revenue officer, Sivagangai and the same was allowed in his favour. In the meantime, one Angusamy has claimed right over the subject property and filed a suit in O.S.No.122 of 2000 before the District Munsif Court, Manamadurai and the same was dismissed. However, the appeal preferred by the said Angusamy in A.S.No.33 of 2004 was partly allowed on 30.01.2006. Challenging



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the same, the petitioner has filed a second appeal and the same is still pending before this Court.

2.The learned Additional Government Pleader appearing for the respondents submits that the petitioner is not in possession of the subject property and therefore, he is not entitled for assignment.

3.This Court considered the rival submissions made.

4.Considering the fact that a competent civil Court has passed a decree in the issue and the same is subject matter of the second appeal, which is still pending before this Court, this writ petition is disposed of with a direction to the petitioner to work out his remedy on the outcome of the second appeal. No costs.

06.10.2023

NCC: Yes/No
Index:Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.24628 of 2016

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