



WEB COPY

W.P.No.6280 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6280 of 2019
and
W.M.P.No.7116 of 2019

P.Velusamy

... Petitioner

Vs.

1. The District Collector,
Collectorate of Perambalur,
Perambalur District 621 212.
2. The District Revenue Officer,
Office of the Collector,
Perambalur District – 621 212.
3. The Revenue Divisional Officer,
Office of the RDO,
Perambalur Taluk,
Perambalur District – 621 212.
4. The Tahsildar,
Veppanthattai,
Veppanthattai Taluk,
Perambalur District – 621 116.
5. Thiru Thamilselvan,
6. Bojan



7. Tmt.Sellam

8. Thiru.Arun

9. Minor.Ajith

10. Thiru.Velmurugan

11. Tmt.Pavalarani

12. Thiru. Manikkam

13.Thiru. Kamesh

14. Thiru. Vignesh

15. Tmt.Ponnarasi

16. Tmt.Pushpa

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings bearing No. Moo. Mu.A3/8722/2016 dated 13.06.2017 on the file of the second respondent and conforming the order dated 25.05.2016 made in Mu. Mu.A4/3639/2015 on the file of the third respondent and quash the same and consequently direct the second respondent to resume the property to the Government for public uses.

For Petitioner : Mr.Muralikumar
for Mr.U.Karunakaran

For R1 to R4 : Mr.G.Ameedius,
Government Advocate



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For R6, R8 to R16 : Mr.E.C.Ramesh

For R5 & R7 : Not ready in notice

ORDER

The writ petition has been filed challenging the impugned proceedings dated 13.06.2017 passed by the District Revenue Officer and conforming the order dated 25.05.2016 passed by the Revenue Divisional Officer and to direct the 2nd respondent to resume the property to the Government for public uses.

2. Mr.Murali Kumar, learned counsel for the petitioner would submit that the Government lands were assigned in favour of few persons for agricultural purposes. One of the condition imposed in the Deed is that an assignee cannot alienate the property for a period of 15 years from the date of execution of Deed. In the event of any violation, the lands will be presumed by the Government.

3. The learned counsel for the petitioner would submit that the original assignees have alienated the Government lands in favour of respondents 5 to 16 in violation of the conditions imposed in the Deed



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executed by the Government. The details regarding alienations are provided by the petitioner:

“3. I respectfully state that myself and my predecessor in title and the other land owners having land beyond the Survey No.168 & 169 are using the cart track situated in the land comprised in survey No.239/1, 241/1, 241/4, 242/4, 242/5. The properties comprised in those survey numbers originally belongs to the Government. In the year 1959-1970 the said Government lands were assigned to the various persons by mortgage deed for the benefit of the assignees with the terms and conditions mentioned in the mortgage documents executed in favor of the beneficiaries. As stated Supra the above said lands were assigned as follows:

<i>S L. N o.</i>	<i>Survey No.</i>	<i>Name of the Mortgagees</i>	<i>Tharkas No.</i>
1.	239/1	Kanshasamy, S/o. Palani	652/1380 dated 16.11.70
2.	241/1	Pangajam, W/o. Duraisamy	621/1371 dated 03.05.62
3.	241/4	Sulochana D/o. Subramani	15/1377 dated 26.08.67
4.	242/4	Thaadhan S/o. Perumal	2365/1366 dated 17.01.61
5.	242/5	Arunachalam S/o. Perumal	2365/1366 dated 10.08.59



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6. I respectfully state that however, the respective mortgagees and assignees have violated the above terms and conditions patently and sold the property within 10 years from the date of mortgage/assignment. The following details will show the assignees have sold the properties within 10 years from the date of assignment.

Sl .N o.	Survey No.	Name of the Mortgagees	“Mortgage document No & Date”	The date of sale in violation of the terms of the mortgage
1.	239/1	Kanshasamy, S/o. Palani	652/1380 dated 16.11.70	Sold vide sale deed dated 10.04.1978 in favour of Ramasamy Gounder
2.	241/1	Pangajam, W/o. Duraisamy	621/1371 dated 03.05.62	Sold vide sale deed dated 03.08.1965 in favour of Perumal
3.	241/4	Sulochana D/o. Subramani	15/1377 dated 26.08.67	Sold vide sale deed dated 14.02.1972 in favour of Ramasamy Gounder
4.	242/4	Thaadhan S/o. Perumal	2365/1366 dated 17.01.61	Sold vide sale deed dated 25.04.1964 in favour of Ramasamy S/o.Perumal
5.	242/5	Arunachalam S/o. Perumal	2365/1366 dated 10.08.59	Sold vide sale deed dated 21.12.1966 in favour of Alamelu Amaal

4. At the outset, it is contended by the petitioner that the



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conditions imposed by the Government had been violated and the Government properties were alienated illegally for personal gains by the original assignees. The complaint given by the petitioner to cancel the assignment and to resume the Government lands was rejected by the District Revenue Officer, Perambalur. Therefore, the petitioner has chosen to file the present writ petition.

5. The Revenue Divisional Officer and the District Revenue Officer have not considered the entire facts and circumstances as well as the conditions imposed at the first instance by the Government not to alienate the Government lands for a minimum period of 15 years. Since such vital issues were not considered, the orders are to be set aside and the matter is to be remanded back for fresh consideration.

6. In view of the facts and circumstances, the impugned proceedings dated 13.06.2017 passed by the District Revenue Officer and conforming the order dated 25.05.2016 passed by the Revenue Divisional Officer are quashed and the matter is remanded back to the 2nd respondent / District Revenue Officer to conduct an elaborate



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enquiry by affording opportunities to all the parties including the petitioner and thereafter, pass final orders on merits and in accordance with law. The said exercise is directed to be completed within a period of four (4) months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands allowed.

No costs. Consequently, connected Miscellaneous Petition is closed.

31.01.2024

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

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4. The Tahsildar,



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Veppanthattai,
Veppanthattai Taluk,
Perambalur District – 621 116.

5. Thiru Thamilselvan,
S/o. Ramalingam,
Veppanthattai Post and Taluk,
Perambalur District – 621 116.



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S.M.SUBRAMANIAM, J.

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