



W.A.No.2008 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

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1.K.Natarajan
2.K.Thangavel
3.K.Duraisamy

.. Appellants

Vs

1.The Secretary to the Government,
Revenue Department,
Fort St. George,
Chennai.

2.The District Collector,
Tiruppur,
Tiruppur District.

3.The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.

4.The Tasildar,
Madathukulam,
Tiruppur District.

.. Respondents



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Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 14.7.2023 passed by the learned Single Judge in W.P.No.19690 of 2023.

For the Appellants : Mr.S.Madhusudanan

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

Heard Mr.S.Madhusudanan, learned counsel for the appellants and Mr.A.Edwin Prabakar, learned State Government Pleader for the respondents.

2. Challenging the impugned order of the learned Single Judge dismissing the writ petition, the original writ petitioners have filed the writ appeal.

3. The appellants have filed the writ petition for issuance of writ of mandamus directing respondents 2 to 4 herein to consider the



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representation dated 14.6.2023 for assignment of land comprised in Survey No.330/A1C8, 330/A1C7 and 300/A1C1 situated at West Kumaralingam Village, Madathukulam Taluk, Tiruppur District or any other land.

4. The learned Single Judge dismissed the writ petition, *inter alia*, holding that the writ proceeding seeking assignment of land is not a solution for an aggrieved person, since the High Court cannot conduct a roving enquiry regarding the eligibility of a person to get such assignment of land free of cost from the hands of the Government. Aggrieved by the same, the present appeal has been filed.

5. Learned counsel for the appellants submitted that originally the land in question belonged to one Dhandapani Vagaiyara and from them, one Nachammal had purchased the same for valid consideration under a registered sale deed dated 25.1.1974. The appellants' father had purchased the said land from Nachammal for valid consideration under a registered sale deed dated 2.6.1982 and he was in possession and enjoyment of the land by raising crops.



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When the appellants' father was alive, he made several representations to the Tahsildar, Madathukulam seeking issuance of patta in his favour. The appellants' father had also filed a civil suit, being O.S.No.250 of 2017, before the District Munsif Court, Udumalpet and the said suit is still pending. After the demise of the appellants' father, the appellants are in possession of the land in question. Earlier, the appellants have filed W.P.No.8738 of 2018 to direct the respondents therein to issue patta and the said writ petition was withdrawn on 12.4.2018 with liberty to pursue the civil suit. When things stood thus, the respondents have converted the classification of the land and have issued pattas to various persons.

6. Learned counsel for the appellants further submitted that during the second week of January, 2023, the appellants have found the proceedings of the fourth respondent, whereby the fourth respondent assigned the land in question in favour of the appellants' father subject to payment of Rs.1,46,000/-. The appellants' father was not able to mobilize the fund and due to non-compliance of the above condition, the assignment was cancelled by the District Collector. Till date, the appellants are in peaceful possession of the



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land in question. On 23.1.2023, the appellants have submitted a representation to the respondent authorities seeking assignment of the said land or any other land. As the said representation did not evoke any response, the appellants have filed the present writ petition. The learned Single Judge, without looking into the factual aspects, particularly, the intention of the fourth respondent to assign the land in favour of the appellants father on payment of cost, had erroneously dismissed the writ petition. As the impugned order of the learned Single Judge suffers from serious infirmity, the same is liable to be set aside.

7. Supporting the impugned order, learned State Government Pleader submitted that the learned Single Judge having gone through the factual aspects had rightly dismissed the writ petition and the order of the learned Single Judge warrants no interference.

8. We have considered the rival submissions and also perused the materials available on record.

9. It appears that originally the land in question was assigned



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in the year 2004 in favour of the appellants' father and the assignee had failed to pay the land cost fixed for such assignment and thus the process of assignment was stopped.

10. The appellants are claiming assignment of the land stating that they are in possession of the land. As rightly held by the learned Single Judge, the possession of the appellants is illegal, as the cost fixed by the Government has not been paid by the appellants for assignment. Now the appellants seek assignment of land on the land cost fixed earlier. The appellants cannot seek assignment of land on the value fixed earlier. That apart, the Government land cannot be assigned indiscriminately. Moreover, the appellants have made a representation to the respondent authorities for assignment of land only in the year 2023, that too, after a lapse of almost 20 years. Further, in respect of the land in question, a civil suit is also pending before the civil court.

11. The learned Single Judge having found that the appellants have no semblance of legal right to seek the relief claimed, in our considered opinion, rightly dismissed the writ petition. We are also



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of the view that after a lapse of 20 years re-assignment of the land in question or assignment of land in favour of the appellants cannot be considered, as the appellants themselves admitted that pattas have been issued to various persons in respect of the land in question. The learned Single Judge has rightly declined the relief sought by the appellants and the order of the learned Single Judge warrants no interference.

12. For all the reasons stated above and finding no merit, the writ appeal is dismissed. There shall be no order as to costs. Consequently, C.M.P.No.14321 of 2024 is closed.

(D.K.K., ACJ.) (K.B., J.)
22.07.2024

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