



WEB COPY



W.A.No.2208 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM:

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

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.2208 of 2024 and
C.M.P.No.15595 of 2024

Ramasamy

... Appellant/Petitioner

-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 Tahsildar,
Madathukulam,
Tiruppur District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 14.07.2023 made in W.P.No.20048 of 2023 and allow the Writ Appeal.

For Appellant : Mr.S.Madhusudanan
For Respondents : Mr.M.Habeeb Rahman
Govt. Advocate



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W.A.No.22008 of 2024

J U D G M E N T

(By Hon'ble Acting Chief Justice)

This Writ Appeal has been filed, challenging the order dated 14.07.2023 of the learned Single, in and by which, the request of the Writ Petitioner/Appellant herein for assignment of land was negatived.

2. When the matter is taken up for hearing, it is represented by the learned Government Advocate appearing for the respondents that in an identical issue in W.A.No.2008 of 2024 decided on 22.07.2024, this Court has dismissed the Writ Appeal filed by the persons, who approached this Court on the similar line, which has not been refuted by the learned counsel for the appellant. The operative portions of the judgment dated 22.07.2024 are extracted hereunder:

“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 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



W.A.No.2008 of 2024

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 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.”

3. Following the earlier judgment of this Court dated 22.07.2024 rendered in W.A.No.2008 of 2024, this Writ Appeal is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,ACJ.]

[K.B.,J.]

25.07.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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HON'BLE ACTING CHIEF JUSTICE
AND
K.KUMARESH BABU,J.,
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To:

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