



WEB COPY



WP.No.19217 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.19217 of 2024
and W.M.P.Nos.21085 & 21086 of 2024

Venkatesh

.. Petitioner

Versus

1.The District Collector
Krishnagiri District, Krishnagiri

2.The District Revenue Officer
Krishnagiri District, Krishnagiri

3.The Sub Collector
Hosur, Krishnagiri District

4.The Tahsildar
Hosur, Krishnagiri District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the 3rd respondent in Mu.Mu.1311/2024/B2 dated 07.06.2024 cancelling assignment of land in Survey No. 962/4 in Nagamangalam Village, Denikanikottai Taluk, Krishnagiri District and quash the same as illegal, incompetent and ultra vires.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.A.Selvendran
Special Government Pleader



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ORDER

WEB COPY Challenge has been made to the order of the third respondent dated 07.06.2024 in cancelling the assignment granted in favour of the writ petitioner.

2. It is the case of the writ petitioner that assignment has been originally given in favour of the writ petitioner and wife in S.Nos.962/3 and 962/4 in the year 2007 under a special scheme for the family of agriculturists vide Order No.AM/324/1417 dated 19.06.2008. The petitioner brother sought for partition of the property, when the same was refused, he has given an application to third respondent to cancel the assignment. Now, the third respondent has recommended to the District Collection for cancellation of the assignment. It is the grievance of the writ petitioner that reclassification of land is done only by the Commissioner of Land Administration, whereas, the RDO/third respondent has passed the order for reclassification and forwarded the proceedings to the District Collector. Hence, it is the contention that the third respondent has no power and the impugned order cannot be sustained in the eye of law.

3. The learned Special Government Pleader submitted that only the District Collector has power to cancel the assignment and the District



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Collector will conduct independent enquiry, for which, the petitioner has no objection.

4. Heard both sides and perused the materials placed on record.

5. Such view of the matter, the impugned order stands quashed and the matter is remitted to the District Collector/first respondent to conduct a fresh enquiry and pass appropriate order on its own merits and in accordance with law, after giving opportunity of hearing to the petitioner and also the complainant in the impugned order. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this Order.

6. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

23.07.2024

dhk

Index : Yes/No

Neutral Citation : Yes/No



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N. SATHISH KUMAR, J.

dhk

To

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