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W.P.No.37149 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.37149 of 2024

Revathi

...Petitioner

Vs

1.The District Revenue Officer,
Office of the District Revenue Officer,
Collectorate,
Erode – 638 011.

2.The Revenue Divisional Officer,
Office of the Revenue Office,
Erode – 638 001.

3.The Tahsildar,
Office of the Tahsildar,
Perundurai,
Erode District – 638 052.

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondents to lift the conditions granted in Deed of assignment of Surplus Land in Ref MR IV / 361 / 17-70 C1 dated 17.05.1995 for piece of land measuring 2.00 Acres to Late Mr. Murugan in Re Survey No. 321 / 2A Ingur, Ingur Village, Perundurai Taluk, Erode district and in furtherance grant Ryotwari patta to the legal heirs of Late Mr Murugan by considering



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representations of the petitioner dated 24.02.2024 and 26.06.2024 and proceedings of the 1st respondent dated 31.05.2024 in Na.Ka. 10876 / 2024 / X1 and pass further orders.

For Petitioner : Mr.N.S.Suganthan

For Respondents : Mr.A.Selvendran
Special Government Pleader
(For R1 to R3)

ORDER

The Writ Petition has been filed for seeking direction to the respondents to lift the conditions granted in Deed of assignment of Surplus Land in Ref MR IV / 361 / 17-70 C1 dated 17.05.1995 for piece of land measuring 2.00 Acres to Late Mr. Murugan in Re Survey No. 321 / 2A Ingur, Ingur Village, Perundurai Taluk, Erode district and in furtherance grant Ryotwari patta to the legal heirs of Late Murugan by considering representations of the petitioner dated 24.02.2024 and 26.06.2024 and proceedings of the 1st respondent dated 31.05.2024 in Na.Ka. 10876 / 2024 / X1.

2.The lands measuring an extent of two acres of surplus land was assigned with conditions to one Murugan, son of late Mahali, who is the brother of petitioner's father late Tr.Palanisamy under the Tamil Nadu Land Reforms (Disposal of Surplus Lands) Rules, 1965, by the Assistant



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Commissioner, (Land Reforms), Erode, through a deed of assignment of Surplus Land dated 19.04.1995. The said Murugan died on 17.07.2010.

Therefore, as per the legalheirship certificate the property devolved upon the said Murugan's father Mahali, Mother Ramal, brother Palanisamy, sister Pappal and brother Arumugam. Mahali, father of the said Murugan passed away and thereafter his brother Palanisamy died and he left behind his wife Lakshmi, son Anbazhagan, daughters Sathya, Megala and Ramala. Besides Murugan the assignment patta was also granted to Lakshmi and Ramal. With reference to the assignment patta issued in favour of Lakshmi and Ramal the conditions of the assignment had been lifted by issuing them with a ryotwari patta. Therefore, the petitioner had sought for a ryotwari patta in the same lands in respect of the subject property. However, there was no progress. Thereafter, the petitioner made another representation on 26.06.2024. Even thereafter, there is no response. Hence the petition.

3.Heard the learned counsels on either side and perused the records. The learned Special Government Pleader takes notice on behalf of respondents.



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4.Since, the assignment had been granted as early as in the year 1965 and the petitioner who is seeking the relief of lifting of the conditions is only the legal representatives of Murugan, the original assignee. It cannot be stated that it is a fresh assignment. Besides, in respect of assignment granted to Lakshmi and Ramal who were also given the assignment around the same time, the conditions had been lifted. The same benefit shall be given to the petitioner's request as well. Therefore, the Writ Petition is allowed. Respondents are directed to consider the representations dated 24.02.2024 and 26.02.2024 and pass orders within a period of three months from the date of receipt of copy of this order. In case of rejection, a speaking order will be passed.

5.Accordingly, the present Writ Petition is allowed. No costs.

12.12.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To

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P.T.ASHA, J,

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