



W.P.No.35041 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.35041 of 2024

and

W.M.P.Nos.37990 and 37991 of 2024

1. Tamilvanan
2. Vanithamani @ Manju

... Petitioners

Vs.

1. The District Collector,
District Collectorate,
Kallakurichi & District.
2. The District Revenue Officer,
District Collectorate,
Kallakurichi & District.
3. The Revenue Divisional Officer,
District Revenue Office,
Kallakurichi & District.
4. Murugan
5. Kala

... Respondents



W.P.No.35041 of 2024

WEB COPY

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order dated 18.10.2024 in Ref.No.Pa.Mu.A2/0016/2024 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.V.Gunasekar

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

ORDER

Mr.A.Selvendran, learned Special Government Pleader takes notice on behalf of the Official Respondents.

2. This Writ Petition has been filed by the Petitioners to challenge the Impugned Order passed by the 2nd Respondent dated 18.10.2024.

3. A brief facts of the case is that the Petitioners herein are the husband and wife who were allotted lands vide proceedings dated 16.03.2007 bearing DKT.No.200/1416. The 1st Petitioner namely Tamilvanan was allotted an



W.P.No.35041 of 2024

extent of 0.39.0 ares of land comprised in S.No.201/12, the 2nd Petitioner namely Vanithamani was allotted 0.81.0 ares of land comprised in S.No.201/13 and the Petitioner's brother namely Tamilarasan was allotted 0.48 ares of land comprised in S.No.198/30. The Petitioners had cultivated the lands in S.No.201/12 & S.No.201/13 and a little later sold the same to the 4th Respondent for a considerable amount vide oral agreement. The 4th Respondent had constructed a shed house and cultivating the said lands since then. During the course of time, the Petitioners had settled the lands in favour of their son namely Mohan under a registered Settlement Deed dated 31.03.2023 vide Document No.2023/2023 with respect to S.No.201/12 and S.No.201/13. When the 4th Respondent come to know about the same, he had filed a Suit in O.S.No.516 of 2023 against the Petitioners and the Suit in O.S.No.116 of 2023 against the 1st Petitioner's brother. The said Suits were dismissed as settled out of Court. Thereafter, the 5th Respondent who is the daughter in law of the 4th Respondent had filed W.P.No.25579 of 2023 to cancel the assignment of Patta granted in favour of the Petitioners and the 1st Petitioner's brother. By an order dated 01.09.2023, this Court disposed of the Writ Petition by directing the Respondents to cancel the assignment of lands granted in favour of the Petitioners and the Petitioner's brother after giving an



W.P.No.35041 of 2024

opportunity of their defence statement. In view of the Order passed by this Court in W.P.No.25579 of 2023 dated 01.09.2023, the 3rd Respondent had conducted a detailed enquiry and cancelled the assignment of lands vide its Order dated 28.11.2023 in respect of the Petitioners alone. Thereafter, the Petitioner has preferred an appeal and the same was allowed by setting aside the Order dated 28.11.2023. Thereafter, the 2nd Respondent had issued the impugned proceedings against the Petitioners on 18.10.2024 and cancelled the assignment of lands granted in favour of the Petitioners. Aggrieved by the same, the Petitioners are before this Court.

4. Heard the learned counsel on either side and perused the materials available on records.

5. A perusal of the Impugned Order clearly states that the Petitioners have settled their property in favour of their son namely Mohan under a registered Settlement Deed dated 31.03.2023 vide Document No.2023/2023. Thereafter, the said Mohan in turn had sold the property in favour of one Murugan for a considerable amount. The said Mohan was in possession of the said lands since then. The lands that have been allotted to the Petitioners



W.P.No.35041 of 2024

vide proceedings dated 16.03.2007 bearing DKT.No.200/1416 was for agricultural purposes either by the Petitioners or their legal heirs. As per the aforesaid proceedings, the Petitioners have no rights to settle or sell the lands to any of the third parties not within a period of 30 years. In case the Petitioners wants to settle or sell the land after 30 years time period they have to obtain No Objection Certificate (NOC) or proper approval from the Revenue Authorities. The Petitioners without following the aforesaid proceedings had settled the property in favour of their son and he in turn had sold the same to the 4th Respondent. Therefore this Court is not inclined to interfere in the Impugned Order passed by the 2nd Respondent dated 18.10.2024. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
rgm



WEB COPY



W.P.No.35041 of 2024

P.T.ASHA, J.

rgm

To

1. The District Collector,
District Collectorate,
Kallakurichi & District.
2. The District Revenue Officer,
District Collectorate,
Kallakurichi & District.
3. The Revenue Divisional Officer,
District Revenue Office,
Kallakurichi & District.

W.P.No.35041 of 2024

and

W.M.P.Nos.37990 and 37991 of 2024

27.11.2024