



W.P(MD)No.8892 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8892 of 2024

and

W.M.P.(MD)Nos.8082 and 8083 of 2024

P.Murugan

... Petitioner

Vs.

**1.The Additional Commissioner of Land Administration,
Ezhilagam, II Floor, Chepauk, Chennai-600 005.**

**2.The District Revenue Officer,
Sivagangai District,
Sivagangai.**

**3.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order in Proc.No. G2/214/2015 dated 03.08.22 on the file of the 1st respondent and quash the same.



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For Petitioner : Mr.S.Selva Adiya

For Respondents : Mr.T.Villavankothai,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner challenges the impugned order dated 03.08.2022 passed by the Commissioner of Land Administration, Chepauk, Chennai dismissing the petitioner's revision petition. The petition mentioned lands were assigned in favour of the petitioner and two others way back in the year 1999. The assignment was cancelled by the District Revenue Officer, Sivagangai on 12.01.2006. The petitioner states that he was not aware of the same. He, therefore, filed appeal petition along with two others on 02.01.2015. This appeal was dismissed on 03.08.2022.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.



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4.The prime ground of cancellation was that the petitioner did not comply with the conditions of assignment. The authorities noted that the land was assigned to the petitioner on condition that he should bring it under cultivation within a specified period. The petitioner's defence was that the land was not fit for cultivation and that is why, he was not able to comply with the condition.

5.The aforesaid reason set out in the impugned order is factually correct. I would sustain the impugned order on a larger ground. Any assignment of government's waste land is for poor persons. The land in question had been used for quarrying and this is an admitted fact. Assignment is not intended to facilitate quarrying activities. If the land in question is rich in minerals, the Government can as well exploit the same. The learned counsel for the petitioner would assail the other reasons assigned in the impugned order. I need not go into the same at all. The impugned order can be justified on the following grounds:

(a) A assignment was made with a condition that the land should be brought under cultivation and this condition was admittedly not complied with.

(b) The land had been put to use for quarrying purposes.



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6.The impugned order is sustained and the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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- 2.The District Revenue Officer,
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Sivagangai.
- 3.The Tahsildar,
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G.R.SWAMINATHAN, J.

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