



W.A(MD)No.1125 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 22.10.2024**

**CORAM :**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
and  
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**W.A(MD)No.1125 of 2024  
and  
C.M.P.(MD)No.8589 of 2024**

- 1.The District Collector,  
O/o. the District Collector,  
7A, National Highway,  
PSP Nagar,  
Korampallam,  
Tuticorin.
- 2.The District Revenue Officer,  
O/o.the District Collector,  
No.7A, National Highway,  
PSP Nagar,  
Korampallam,  
Tuticorin.
- 3.The Revenue Divisional Officer,  
Revenue Divisional Officer,  
Beach Road,  
Tuticorin.
- 4.The Revenue Tahsildhar,  
Tuticorin Taluk,  
Tuticorin.
- 5.The Village Administrative officer,  
Kumaragiri Pudukottai,  
Tuticorin Taluk,  
Tuticorin District.

... Appellants



W.A(MD)No.1125 of 2024

vs.

- 1.S.S.Baskar
- 2.S.S.Janarthanan
- 3.S.S.Jeyakumar
- 4.S.S.Mohan
- 5.S.S.Sundar
- 6.Geetha @ Katti Thangam
- 7.Sujatha

8.The Block Development Officer,  
Kumaragiri Village Panchayat,  
Kumaragiri Village,  
Tuticorin.

9.The President,  
Kumaragiri Village Panchayat,  
Kumaragiri Village,  
Tuticorin.

... Respondents

**Prayer :** Appeal filed under Clause 15 of Letters Patent, against the order made in W.P(MD)No.24909 of 2022, dated 21.02.2023.

|                |                                                                                                                         |
|----------------|-------------------------------------------------------------------------------------------------------------------------|
| For Appellants | : Mr.R.Baskaran<br>Additional Advocate General<br>Assisted by<br>Mr.S.R.A.Ramachandran<br>Additional Government Pleader |
| For R1 to R7   | : Mr.Niranjan S.Kumar                                                                                                   |
| For R8 and R9  | : Mr.S.P.Maharajan<br>Special Government Pleader                                                                        |



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## **JUDGMENT**

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

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The appeal is by the State. The respondents 1 to 7 herein challenged the order of the first appellant, dated 04.08.2022, confirming the order passed by the second appellant on 16.03.1981, cancelling the assignment granted in favour of their mother Tmt.Kasikaniammal in respect of land in Survey No. 509/6, measuring an extent of 1.62 Acres, situate in Kumaragiri Pudukottai Village, Tuticorin Taluk and District.

2. The essential contention of the respondents 1 to 7 was threefold.

(i) The assignment granted in the year 1969 cannot be cancelled after expiry of period of three years.

(ii) There was no notice issued to the assignee or her legal representatives before the cancellation.

(iii) The power for cancellation vests with the Land Commissioner and therefore, the order passed by the Sub-Collector is invalid.

3. The Writ Court agreed with the contentions of the respondents 1 to 7 on all the three corners, resulting in allowing the Writ Petition.



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4. Mr.R.Baskaran, learned Additional Advocate General appearing for the State would, however, contend that in the subsequent proceedings, it has been agreed that the land was not cultivated and that the Writ Petition is hit by delay and laches. That by itself may not offer a ground for us to interfere with the order of the learned Single Judge.

5. Contending contra, Mr.Niranjana S.Kumar, learned counsel appearing for the respondents 1 to 7 would submit that once it is found that the power of cancellation ceases, the question whether the land was cultivated or not pales into insignificance. On the question of laches, the learned counsel would submit that the order of cancellation, dated 16.03.1981, was not communicated and also there were various proceedings taken by the appellants right from the year 2012 and an order was passed by this Court in 2017, directing rectification of the entries, which was not carried out. It was only then, the respondents 1 to 7 became aware of the order.

6. We have considered the rival submissions.

7. No doubt, the time limit of three years fixed was withdrawn by a subsequent Government Order in G.O.Ms.No.2555, Revenue Department, dated 14.05.1973. But, this Court had repeatedly held that the said Government Order would be operative only for assignments granted after 14.05.1973. The



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learned Single Judge has also referred to the judgment of this Court in **Seriya Pushpam, Rep. by her Power of Attorney, M.Jayakumar vs. The Special Commissioner and Commissioner for Land Administration [W.P.No.11836 of 2010]**, which very clearly lays down that G.O.Ms.No.2555, dated 14.05.1973, will only have a prospective operation. This position was reiterated in **N.Padmanathan and another vs. The District Revenue Officer and others** reported in **2005 Supreme (Mad) 1427**.

8. In fact, there is a categorical finding by the Writ Court that no notice was issued to the assignee or her legal heirs before the cancellation. Nothing has been placed before us to dislodge the said conclusion.

9. In view of the above, we do not think that we can interfere with the order of the learned Single Judge. The assignment of the year 1969 was cancelled only in the year 1981 *i.e.*, after 12 years. By that time, the time framed for cancellation had already expired. Hence, we see no merit in the writ appeal. The Writ Appeal fails and it is accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

(R.S.M, J.) (S.M., J.)  
22.10.2024

Index : No  
Neutral Citation : No  
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**and**  
**SUNDER MOHAN, J.**

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**JUDGMENT MADE IN**  
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