



W.A.(MD)No.1055 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

W.A.(MD)No.1055 of 2020

A.Thavamani

... Appellant/Petitioner

Vs

1.The Principal Secretary to Government,
Revenue Department,
Secretariat Building,
Chennai-9.

2.The Land Administrative Commissioner,
Land Administrative Commissioner Office,
Ezhilagam, Chepauk,
Chennai.

3.The District Collector,
Collectorate Building,
Dindigul.

4.The Tahsildar,
Tahsildar Office,
Dindigul East,
Dindigul District.

...Respondents/Respondents



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Prayer:

This Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 16.09.2020 passed by this Court in W.P.(MD)No.10143 of 2020.

For Appellant : Mr.V.Illanchezian

For Respondents : Mr.G.Suriyananth

Additional Government Pleader

JUDGMENT

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

This Writ Appeal is filed against the order passed by this Court in W.P.(MD)No.10143 of 2020, dated 16.09.2020.

2.The unsuccessful petitioner is the appellant herein. He filed the writ petition challenging to quash the order of the fourth respondent, dated 21.07.2010 with a further direction to the official respondents not to disturb the peaceful possession and enjoyment of the property to an extent of 1 acre 52 cents in S.No.843/7 situated at Koovanuthu Village, Dindigul East Taluk, Dindigul District.



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3.The case of the petitioner is that the property comprised in Survey No.843/7 to an extent of 1 acre 52 cents at Koovanuthu Village, Dindigul East Taluk, Dindigul District, was originally assigned in favour of one Philomeenal in the year 1973 and in the assignment order, it has been specifically stated that the said land has to be utilised for the purpose of agricultural purposes. It is the further case of the petitioner, she purchased the said property vide Document No.1677 of 2005, dated 21.12.2005 through power of attorney of Arockiyam and the said Arockiyam is said to be the son of the aforesaid Philomeenal. The petitioner sent a representation to the authorities not to disturb the possession without issuing the cancellation of assignment order. Based on the said representation, the fourth respondent has passed the impugned order in Na.Ka.No. 2976/2020/A3, dated 21.07.2020 by stating the reason that the aforesaid assignment order granted in favour of Philomeenal, W/o.Joseph was cancelled in the year 1983 on the reason that the petitioner has violated the condition that they are not cultivating the agricultural land. The petitioner has purchased the said property on 21.12.2005, but already the Government had restored the said property, based on the cancellation of the assignment patta granted in favour of Philomeenal in the year 1983. Further, the said property was classified as a



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Government poramboke land. The District Revenue Officer by proceedings dated 18.03.1983 cancelled the assignment order granted in favour of Philomeenal, the original assignee of the property. Pursuant to the cancellation of the assignment order, the authority has taken possession of the aforesaid property. The said property had been in possession of the Government and the petitioner has purchased the said land without verifying the revenue records.

4. Based on the instructions by the Government, the learned Single Judge considered the fact that the assignment is in favour of the said Philomeenal under the category of an ex-military service family member, on condition that the said land has to be utilized for agricultural purpose and the assignment order is of the year 1973. Since the petitioner has violated the condition, namely, non-classification of the land, the same was cancelled as early as 1983. Pursuant to the order of cancellation, the land was re-classified as Government poramboke. Further, the petitioner has purchased the property from the legal heirs of the deceased Philomeenal in the year 2000, pursuant to the general power of attorney and hence, she may be given the opportunity to defend her case. After perusing the findings rendered by the learned Single Judge, we find that the land assigned to the said Philomeenal, wife of the ex-service man, was cancelled in the year



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1983 and the sale deed in favour of the petitioner is on 21.12.2005. Hence, the learned Single Judge has rightly come to the conclusion that since 1983 neither the legal representatives nor the petitioner have taken any steps to re-classification of the land, accordingly rejected the writ petition.

5.Hence, we do not find that any error warranting interference by us at the appellate stage and hence, this Writ Appeal is dismissed and the order of the learned Single Judge of this Court, dated 16.09.2020 is hereby confirmed.

6.At this juncture, the learned counsel for the appellant would submit that the land is continuously put to agricultural purposes and having a false entry in the revenue records, the revenue authorities have cancelled the assignment order. Hence, liberty is granted to the appellant to agitate the cancellation of assignment order in favour of the said Philomeenal in accordance with law. No costs.

[T.K.R., J.] [N.S., J.]
12.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Tahsildar Office,
Dindigul East,
Dindigul District.
- 5.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
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