



WEB COPY

**223 of 2024**

**W.A(MD) No.**

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

**DATED : 23.02.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD) No.223 of 2024**

1. Maru Kiruthal Mary
2. Daisy
3. Santhanam
4. Nesam
5. Arokiamary
6. Susila Mary
7. Baby Priscilla
8. Kulandhai Theresa
9. Samathanam
- Arokiamary (Died)
- 10.Jesintha



WEB COPY

**223 of 2024**

**W.A(MD) No.**

11. Jayarani

12. Loordu Mary

13. Jayamary

14. Motchamary

Alis Mary (Died)

15. Natchatram

16. Vency

.. Appellants

-Vs-

1. The Commissioner of Land Reforms,  
Chepauk,  
Chennai - 600 005.

2. The Joint Commissioner of Land Reforms,  
Mayiladuthurai.

3. The District Collector,  
Thanjavur,  
Thanjavur District.

.. Respondents

[Cause title is accepted vide court order dated 07.09.2022 made in CMP(MD)No. 7993 of 2022 in WA(MD)SR.No.48867/2022 by RMDJ & JSNPJ]

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the



WEB COPY

223 of 2024

W.A(MD) No.

order dated 02.01.2020 passed in W.P(MD) No.12858 of 2011.

For Appellant : Mr.B.Gowtham Arun

For Respondents : Mr.S.P.Maharajan  
Special Government Pleader

### **ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

This Writ Appeal has been filed against the order made in W.P(MD)No.12858 of 2011 dated 02.01.2020 by the learned Single Judge.

2. The writ petitioners filed the writ petition seeking for issuance of Writ of Certiorarified Mandamus to set aside the impugned order passed by the first respondent dated 29.09.2011 and the second respondent dated 26.05.2011 and a consequential direction to the respondents to assign the lands in Survey Nos.45/15 and 45/16 in Pallayapatti South Village, Thanjavur District instead of assigning the lands in Survey No.45/14. The representation of the petitioners was rejected by the second respondent vide order dated 26.05.2011 on the ground that the lands in which he petitioners claim right and seek assignment, had already



WEB COPY

223 of 2024

W.A(MD) No.

been assigned to others under the provisions of the Tamil Nadu Land Reforms (Disposal of Surplus Lands) Rules, 1965. In the appeal, the second respondent also confirmed the orders passed by the first respondent and the petitioner's appeal was rejected for valid reasons. Hence, the learned Single Judge has rightly observed that since the petitioners' request had been rejected in the earlier writ petition, the petitioners cannot pursue the same by taking advantage of the observations made by this Court to approach the respondents and accordingly, dismissed the writ petition. Challenging the same, the petitioners are before this Court.

3. The learned Special Government Pleader would submit that admittedly, the petitioners are strangers, who have no right in the land acquired from the original landlord, which was later declared as surplus by the Government. Even before assignment of land, it is stated that the petitioners have encroached small portions of the lands and claimed right. Hence, the encroachers cannot be permitted to take advantage of their mischief. Therefore, he prays for dismissal of this appeal.



WEB COPY

223 of 2024

W.A(MD) No.

4. The learned counsel for the appellants contended that there are several irregularities with regard to the assignment of the land in favour of the beneficiaries. He further contended that the petitioners have been residing in the said land for nearly 60 years before the Government acquired the said land. On this ground, the petitioners are entitled for assignment of the land in Survey Nos. 45/15 and 45/16.

5. Heard the learned counsel appearing on either side and perused the materials available on record and also we have gone through the order passed by the writ Court.

6. We are of the view that when the appellants have no legal right over the property, they cannot claim for assignment of the said land in favour of them, though they have been residing there for more than 60 years before the Government acquired the said land. Hence, this Court cannot give such relief as sought for by the appellants in this writ appeal and we did not find any illegality



WEB COPY

223 of 2024

W.A(MD) No.

or irregularity in the order of the learned Single Judge.

7. In the result, this Writ Appeal stands dismissed. No Costs.

[D.K.K., J.] [R.V., J.]  
23.02.2024

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
PJL

To

1. The Commissioner of Land Reforms,  
Chepauk,  
Chennai - 600 005.

2. The Joint Commissioner of Land Reforms,  
Mayiladuthurai.

3. The District Collector,  
Thanjavur,  
Thanjavur District.



WEB COPY



**W.A(MD) No.**  
**223 of 2024**

**D.KRISHNAKUMAR, J.**  
**and**  
**R.VIJAYAKUMAR, J.**

PJL

**W.A.(MD)No.223 of 2024**

**23.02.2024**