



W.P.(MD)No.3919 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.3919 of 2018
and W.M.P.(MD)Nos.4072 and 4073 of 2018

P.Ramuthai

... Petitioner

versus

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

3. The Tahsildar,
Sivakasi,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 2nd respondent in மீ.மீ.ஆ2/4795/2015 dated 15.10.2015 with relating to the petitioner's property in Re-Survey No.30/62 of Alamarathupatti Village,



W.P.(MD)No.3919 of 2018

Naranapuram, Sivakasi Taluk, Virudhunagr District alone and to quash the same and consequently, direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's property in Re-Survey No.30/62 of Alamarathupatti Village, Naranapuram, Sivakasi Taluk, Virudhunagar District.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : M/s.Farjana Ghoushia,
Special Government Pleader

ORDER

This writ petition is filed challenging the order of the 2nd respondent dated 15.10.2015, cancelling the order of assignment dated 27.09.1983 issued in favour of one Panchavarnam.

2. The case of the petitioner is that a land in Survey No.30/1, to an extent of 10 cents, situated at Alamarathupatti Village, Naranapuram, Sivakasi Taluk, Virudhunagar District, was assigned to one Panchavarnam, by proceedings dated 27.09.1983, under a Scheme



W.P.(MD)No.3919 of 2018

so as to encourage family planning scheme among the villagers. The said land was sub-divided as Re-Survey No.30/62 and patta was also granted in favour of the said Panchavarnam in patta No.929. In the year 2011, the said Panchavarnam had sold this land to the petitioner vide registered document dated 30.12.2011. While so, the order of assignment dated 27.09.1983, was cancelled by the second respondent/Revenue Divisional Officer, Sivakasi, by order dated 15.10.2015, that the assignee has not constructed a house within a period of six months from the date of assignment. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submits that the petitioner has purchased this property, based on the patta No.929 issued in favour of the said Panchavarnam and there is no such condition prescribed in the order of assignment dated 27.09.1983. He further submits that the petitioner has purchased this land from the assignee only in the year 2011 and therefore, there is no violation on the part of



W.P.(MD)No.3919 of 2018

the petitioner. He further submitted that the impugned order has been passed without issuing any notice to the petitioner.

4. Based on the said submission, this Court, by earlier order dated 11.01.2024, has directed the learned Special Government Pleader appearing for the respondents to ascertain as to whether any such condition has been prescribed in the order of assignment dated 27.09.1983.

5. In response to the same, the learned Special Government Pleader appearing for the respondents submitted that there is a condition in the Revenue Standing Orders. However, she fairly submits that such condition has not been prescribed in the order of assignment dated 27.09.1983.

6. This Court considered the rival submissions made and perused the materials available on record.



W.P.(MD)No.3919 of 2018

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7. Admittedly, the second respondent, by order dated 15.10.2015 cancelled the order of assignment given in favour of one Panchavaram on 27.09.1983 on the ground that the assignee has not put up any construction within a period of six months. Admittedly, in the assignment order dated 27.09.1983, no such condition has been prescribed. If such condition is required under the Revenue Standing Orders, the respondents ought to have mentioned the same in the order of assignment.

8. The petitioner is a *bona fide* purchaser. He has purchased the land based on the patta which stands in the name of Panchavarnam by way of a registered document that too in the year 2011. It appears that the impugned order has also been passed without providing an opportunity of hearing to the petitioner. On this ground, the impugned order dated 15.10.2015 is liable to be set aside.



W.P.(MD)No.3919 of 2018

9. Accordingly, this writ petition is allowed and the impugned order dated 15.10.2015 passed by the second respondent is hereby set aside insofar as the petitioner is concerned. No costs. Consequently, connected miscellaneous petitions are closed.

22.01.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
3. The Tahsildar,
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W.P.(MD)No.3919 of 2018

B.PUGALENDHI, J.

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W.P.(MD)No.3919 of 2018

22.01.2024