



W.P.(MD) No.22876 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.22876 of 2024

and

W.M.P.(MD) Nos.19405 and 19406 of 2024

K.Chandra

... Petitioner

/vs./

1.The Assistant Commissioner,
Land Reforms/Urban Land Ceiling and
Urban Land Tax,
Madurai.

2.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

3.The Tahsildar,
Bodinaickkanur Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order bearing M.R.4/234/Bodi./B1 dated 09.07.2013 passed by the 1st respondent



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and quash the same in so far as petitioner's property New Survey No.78/1BA, New Patta No.1339, Bodi North Hills Village, Bodinayakanur Taluk, Theni District measuring 1 Acre and 50 cents.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

Challenging the cancellation of the patta granted to the petitioner by the impugned order of the first respondent dated 09.07.2013 in M.R.4/234/Bodi./B1 and seeking issue of patta in respect of the property in New Survey No.78/1BA, measuring an extent of 1 acre and 50 cents, New Patta No.1339, Bodi North Hills Village, Bodinayakanur Taluk, Theni District, the above writ petition has been filed.

2. The impugned order cancelling the assignment in favour of the petitioner's vendor has been passed on the ground that the condition of assignment has been violated, as the assignee had sold the property to third party.



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3. The very premise, on which the impugned order has been passed, is absolutely baseless, since the vendor of the petitioner has paid the entire value for the land and building, even on the date of the assignment and therefore, as per condition No.8 of the assignment condition, they had become the owner of the land in question. Therefore, this alienation done by them is not in violation of the conditions. Therefore, the impugned order has to necessarily be set aside and is accordingly set aside.

4. The Writ Petition stands allowed, accordingly and the respondents are directed to issue patta as prayed for by the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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P.T.ASHA, J.

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