



W.A(MD)No.279 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.DHANABAL**

**W.A(MD)No.279 of 2024
and
C.M.P(MD)No.2696 of 2024**

1.The District Collector,
Madurai,
Madurai District.

2.The District Revenue Officer,
Madurai District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Melur, Madurai District.

4.The Tahsildar,
Melur Taluk,
Madurai District.

...

Appellants

-VS-

S.MP.AR.Deivanai Achi
Respondent

...



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PRAYER: Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed in W.P.(MD)No.27941 of 2022 dated 13.06.2023, on the file of this Court and allow this writ appeal.

For Appellants : Mr.N.Satheesh Kumar
Additional Government Pleader
For Respondent : Mr.K.R.Laxman

J U D G M E N T

**[Judgment of the Court was made by
The Hon'ble CHIEF JUSTICE]**

The present respondent filed Writ Petition bearing W.P.(MD)No. 27941 of 2022, seeking to remove the wrong classifications / wrong assessment of the revenue records for the property in S.No.86/1 situated at Kovilpatti Village, Melur Taluk, Madurai District and also sought issuance of patta. The learned Single Judge allowed the writ petition. Aggrieved thereby, the State has filed the present appeal.

2.The learned Additional Government Pleader submits that the learned Single Judge only considered one condition of assignment ie., the land is sold ten years after the assignment. However, the other



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conditions are not adhered to. If the assignment is made to SC/ST, then the said land cannot be sold even after ten years to a person other than a SC/ST. This aspect has not been considered. The learned Additional Government Pleader relies upon the handbook of Land Administration.

3.The learned Counsel for the writ petitioner submits that the original assignment order nowhere describes the land as a Panchami land nor any such condition appears in the original assignment deed. The original assignment requires that the land should be brought under cultivation within three years and that it should not be sold for ten years. Apart from the said restriction there are no other restrictions in the original assignment order.

4.We have gone through the assignment deed. The assignment deed is dated 09.02.1960. The deed nowhere suggests that the land was assigned to SC/ST. Under the said assignment deed 2.52 acres of land is assigned to Smt.Sornamal with the additional condition as contained in G.O.[Ms]No.296 dated 10.02.1954. The assignment was subject to condition that the land shall be brought under cultivation within three [3] years and that it should not be transferred for ten years. After the death of the original assignee, the legal heir of the



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original assignee sold the property to one Uma Rani on 13.03.1972.

Subsequently, the present writ petitioner purchased the property on 07.12.1983. The clause in the assignment does not provide for a condition of obtaining prior permission of District Collector for selling the property after 10 years of assignment. The assignment refers to G.O.(Ms).No.296 dated 10.02.1954 and the same is placed on record. The said Government Order also does not require obtaining the permission of the District Collector before selling the property after 10 years of the assignment. The conditions of the assignment are complied with. The land is sold more than 12 years after the assignment and it is also not the objection of the State authorities that the land was not put to cultivation within three years.

5.In the light of that, the learned Single Judge has not committed any error while passing the order.

6.Accordingly, the Writ Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[P.D.B., J.]

[S.V.G.,

C.J.]



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Index : Yes / No
Neutral Citation : Yes / No
MR



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THE HONOURABLE CHIEF JUSTICE
and
P.DHANABAL, J.

MR

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