



W.P.(MD) No.25154 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25154 of 2024

and

W.M.P(MD)Nos.21386 & 21387 of 2024

R.Murugan

.. 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: Petition filed under Article 226 of the Constitution of India, praying 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 and quash the same in so far as petitioner's property New Survey No.78/1AN, New patta No. 1373, Bodi North Hills



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Village, Bodinayakanur Taluk, Theni District measuring 2 acres and 27 cents.

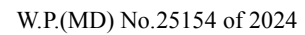
For Petitioner : Mr.A.Rahul

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

This writ petition is filed 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 and quash the same in so far as petitioner's property New Survey No.78/1AN, New patta No. 1373, Bodi North Hills Village, Bodinayakanur Taluk, Theni District measuring 2 acres and 27 cents.

2. It is the case of the petitioner that the lands measuring an extent of 2.31 cents was assigned in favour of one Marimuthu s/o Gurusamy by the 1st respondent vide proceedings No.MR4/234/Bodi./B1. The lands were thereafter resurveyed and localised and was subdivided as Survey No.78/1AN and Patta No.1373 for 2 acres 27 cents was issued to the said Marimuthu. Under a registered sale deed, dated 27.07.2011, the extent of



3. It is the case of the petitioner that the entire value of the land was remitted in full by the said Marimuthu and the land therefore remained absolutely on him as per Condition No.8 of the assignment deed. On his purchase, the petitioner had got the revenue records changed in his name and apart from constructing the house, the petitioner was also allocating a portion of the property.

4. While so, the 2nd respondent vide proceedings, dated 02.06.2017 had directed the Taluk Surveyor to conduct Theo light survey and submit a report. The same was also conducted and a report was submitted on 11.10.2017 to the 3rd respondent confirming the petitioner's possession and enjoyment. The 2nd respondent had also called upon the 3rd respondent by his letter, dated 16.08.2017 to submit a report on the



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petitioner's claim for grant of F-patta in respect of the agricultural lands.

No action was taken upon the same. While so, in October 2023, the petitioner was informed by the staff of the 3rd respondent that the assignment made in favour of the petitioner's vendor had been cancelled. Since no copy of the order was available with the petitioner, he had made a request under RTI for which he has received the copy of the impugned order. The petitioner made a representation to the District Collector, Theni to cancel the proceedings and issue patta in favour of the petitioner. This representation was not considered. Therefore, aggrieved by the cancellation of the assignment deed, the petitioner is before this Court.

5. Heard the learned counsel on either side.

6. A perusal of the deed of assignment given to the petitioner's predecessor-in-title would clearly show that the value of the land was fixed at Rs.2,710/- and the same was also paid by the challan bearing nos.390 and 391 on 21.06.2001. Condition No.8 of the assignment which



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is appended to the assignment patta provides that subject to the conditions of the deed, the lands would vest absolutely once the value of the land, buildings and trees etc., are paid in full. Therefore, taking into account the fact that the entire value of the land had been paid as set out in the deed of assignment, the cancellation of the assignment is *per se* erroneous. Therefore, the impugned order passed by the 1st respondent, dated 09.07.2013 is set aside and the respondents are directed to restore the patta in the name of the petitioner's vendor and thereafter, consider the application of the petitioner and issue patta to the petitioner. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of copy of this order.

7. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

23.10.2024

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

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To

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P.T.ASHA, J.

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