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W.P.(MD)NO.25815 OF 2023

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

**DATED : 10.06.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.25815 of 2023 AND**

**W.M.P.(MD)Nos.22118, 22119 of 2023 & 8826 of 2024**

D.Malarkodi

... Petitioner

Vs.

1. The Commissioner of Land Administration,  
Chepauk, Chennai – 600 005.
2. The District Collector,  
Sivagangai District, Sivagangai.
3. The District Revenue Officer,  
Sivagangai, Sivagangai District.
4. The Revenue Divisional Officer,  
Sivagangai, Sivagangai District.
5. The Tahsildar,  
Kalayarkovil Taluk,  
Sivagangai District.
6. Arulmuthu  
(R-6 is impleaded vide order dated 26.03.2024  
in W.M.P.(MD)No.24680 of 2023)
7. The Secretary to Government,  
Government of Tamil Nadu,  
Revenue Department,  
Fort St. George,  
Chennai – 600 009.

(R-7 is *suo motu* impleaded vide order dated 10.06.2024)

... Respondents



**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the first respondent in proc.No.G2/4443269/2023 dated 10.09.2023 and the third respondent in Na.Ka.C2/78204/2006 dated 20.01.2009 and the fourth respondent in na.Ka.A2/2989/2005 dated 17.10.2007 and quash the same.

For Petitioner : Mr.M.Saravanan  
For R-1 to R-5&R-7: Mr.Veerakathiravan,  
Additional Advocate General,  
assisted by,  
Mr.K.Balasubramanian,  
Special Government Pleader.  
For R-6 : Mr.R.Suriyanarayanan

\* \* \*

### **ORDER**

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for respondents 1 to 5 and the learned counsel appearing for the sixth respondent.

2. The petitioner was assigned 1 acre and 16 cents of land in the year 2000. Based on the complaint given by one Balakrishnan, the assignment was cancelled on 17.10.2007. This was done without notice to the petitioner herein. Challenging the cancellation, the petitioner moved the District Revenue Officer, Sivagangai. The cancellation was upheld on 20.01.2009. The petitioner went before the Commissioner of



Land Administration. The Commissioner of Land Administration vide proceedings dated 10.09.2023 dismissed the appeal petition filed by the petitioner. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the writ petitioner tried to demonstrate that the premises on which the impugned order raised is not sustainable in law. I do not want to go into the said aspect.

4. Admittedly, the petitioner's husband was working as noon meal organiser. At present, the petitioner is functioning as the elected President of the local body. This shows the petitioner family is influential. The petitioner's husband got Nanja lands towards his share and they measure an extent of 1 acre and 10 cents. No assignment can be made arbitrarily. I can understand assignment being made in favour of landless and poor persons who is landless. In this case, the assignment measuring an extent of 1 acre and 16 cents was made in favour of the petitioner. They are Nanja lands. Obviously, they are very valuable. Such valuable lands could not have been arbitrarily given to the petitioner by the jurisdictional Tahsildar. It is for this reason, I sustain the impugned order of cancellation. It is however noted that the petitioner has put up a residence and also shops on about 10 cents of land. What has been



assigned in favour of the petitioner is 1 acre and 16 cents. It is stated that the petitioner's land on which the construction has been come up can be earmarked. The fifth respondent is directed to earmark the extent of land on which the construction has come up. The remaining extent of land is 1 acre and 6 cents. This shall be resumed by the Government and the petitioner gives her consent for resumption. The petitioner can be allowed to retain the constructed portion on payment of land cost. Of course the land cost cannot be fixed at today's market value. The market value shall be fixed with reference to the year 2000. The petitioner is permitted to submit a fresh application in this regard to the Secretary to Government. The seventh respondent shall pass appropriate order in the light of the direction now given in this order. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**10.06.2024**

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



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WEB COPY



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**G.R.SWAMINATHAN,J.**

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