



W.P.No.2363 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

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CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.2363 of 2021  
and WMP Nos.2666 & 2667 of 2021

Mr.P.Dhinakaran

....

Petitioner

-Vs-

1.The District Collector  
Thirupathur  
Thirupathur District.

2.The District Revenue Officer  
Thirupathur  
Thirupathur District.

3.The Revenue Divisional Officer  
Thirupathur  
Thirupathur District.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating the impugned order of the 2<sup>nd</sup> respondent dated 27.10.2020 in Na.Ka.AA2.1547/2019 in confirming the order of the 3<sup>rd</sup> respondent dated 14.12.2017 in Mu.Mu.A5/3024/2015 and quash the same and consequently direct the respondents to reassessing the land to the petitioner as legal heir situated at K.Pantharapalli Village, Natrampalli Taluk, Thirupattur District to an extent of 6 acres and 66 cents of land comprised in S.Nos.448/1, S.No.448/2 and S.No.448/3b by virtue of the Judgment Delivered in Civil Appeal No.6741, 6742 of 2012 dated 20.09.2012 by Hon'ble Supreme Court of India within the time framed fixed by this Court.



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For Petitioner : Mr.S.Arokia Maniraj  
For Respondents : Mr.M.R.Gokul Krishnan  
Additional Government Pleader  
for R1 to R3

### **ORDER**

This writ petition has been filed challenging the proceedings of the 2<sup>nd</sup> respondent dated 27.10.2020, confirming the order passed by the 3<sup>rd</sup> respondent dated 14.12.2017 and for a consequential direction to the respondents to reassign the subject land to the petitioner.

2.The case of the petitioner is that the subject property measuring an extent of 6.66 acres was conditionally assigned in favour of one Chengam, who is the great grandfather of the petitioner. Thereafter, one Chinnapaiyan purchased the property and he was cultivating the land. On his demise, the father of the petitioner was cultivating the land till his lifetime. In the revenue records, the name of the petitioner's father and father's brother Vinothan was entered.

3.The grievance of the petitioner is that the RDO through proceedings dated 14.12.2017 resumed the lands on the ground of violation of the conditions of assignment and this order was also confirmed by the 2<sup>nd</sup> respondent through proceedings dated 27.02.2020. It is under these circumstances, the present writ



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petition has been filed before this Court.

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4.The 2<sup>nd</sup> respondent has filed a counter affidavit. In the counter affidavit, it has been stated that the original assignee had sold the property in favour of one Chinnapaiyan in the year 1997. The said Chinnapaiyan had conveyed the property in favour of Mrs.Mahapurushiammal through a sale deed dated 05.06.1984. The said Mrs.Mahapurushiammal in turn sold a portion of the land in favour of one Baranibabu through a registered sale deed dated 22.11.1994.

5.The petitioner who is the son of Periyasamy filed a writ petition seeking for a writ of mandamus directing the authorities to consider grant of patta in favour of the petitioner. Pursuant to the directions issued by this Court, an enquiry was conducted by the 3<sup>rd</sup> respondent and through proceedings dated 14.12.2017, it was found that the assignment land which is a DC land has been sold in violation of the conditions and accordingly directed the land to be acquired for the use of the Government. Aggrieved by the same, the petitioner filed an appeal before the 2<sup>nd</sup> respondent and the same was also rejected by an order dated 27.10.2020. The 2<sup>nd</sup> respondent has taken a clear stand for the petitioner's predecessor in title had sold the property in violation of the conditions of assignment and therefore the assignment itself was cancelled and lands were directed to be resumed by the Government. While so, the petitioner has come into the picture and he is seeking for the reassignment of the



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land as a matter of right. Accordingly, the 2<sup>nd</sup> respondent has sought for the dismissal of this writ petition.

6.The petitioner has filed a rejoinder. In the rejoinder, the petitioner has stated that the sale deed itself is in violation of the conditions of assignment and the sale has been made to persons who did not belong to the depressed classes. As a result, the land has to go back to the original owners of the property. Thus, the petitioner who is the descendent of the original assignee will be entitled for reassignment of lands. Accordingly, the petitioner has reiterated the claim seeking for reassignment of land.

7.Heard Mr.S.Arokia Maniraj, learned counsel for the petitioner and Mr.M.R.Gokul Krishnan, learned Additional Government Pleader for respondents.

8.It is not in dispute that the lands were assigned in favour of the great grandfather of the petitioner in the year 1928. Thereafter, the land was in possession and enjoyment of Chengam, who was the son of the original assignee. He had sold and conveyed the lands in favour of one Chinnapaiyan in the year 1997. This Chinnapaiyan also belonged to the scheduled caste community. The problem started when the said Chinnapaiyan sold the property in favour of Mrs.Mahapurushiammal,



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who do not belonged to depressed class. Once again the said Mrs.Mahapurushiammal sold a portion of the property to one Baranibabu, who also did not belong to depressed class.

9.After all the above transactions had taken place, the petitioner who is admittedly a descendant has chosen to seek for reassignment of the lands disregarding the earlier sale that was made by his predecessor in title. The petitioner wants this Court to completely disregard the sale since it is in violation of the assignment condition and to direct the respondents to reassign the lands in favour of the petitioner.

10.There are absolutely no bonafides on the claim made by the petitioner. The petitioner is relying upon some judgements which holds that such a sale deed will be treated as non-est and void and therefore the property will automatically resume back to the original owner.

11.The violation of the conditions of the assignment will lead to the cancellation of the assignment, which has actually happened in the present case. Thereafter, the lands will go back to the Government and it is for the Government to once again utilise those lands and assign it to deserving persons. The petitioner cannot be



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seeking for those lands as a matter of right since the petitioner is none other than the descendant of the original owner who has dealt with the property and such sale of property resulted in violation of the assignment conditions. The resumption of the land by Government does not give a cause of action for the petitioner to seek for reassignment of the lands. At the best, the petitioner can only make the request and it is for the Government to consider the same.

12.In the light of the above discussion, the impugned proceedings of the 3<sup>rd</sup> respondent dated 14.12.2017 as confirmed by the proceedings of the 2<sup>nd</sup> respondent dated 27.10.2020 does not suffer from any illegality and the same is hereby sustained and this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

19.02.2025

Index : Yes/No  
NCS : Yes/No  
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**N.ANAND VENKATESH, J.**

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