



W.P. Nos.40212 of 2005  
and  
18365 of 2008

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

WEB COPY

DATED: 19.11.2025

CORAM:

**THE HON'BLE MR. JUSTICE M. DHANDAPANI**

W.P. Nos.40212 of 2005 and 18365 of 2008

and

W.P.M.P. No.43133 of 2005

and

M.P. No.1 of 2008

S. Dennis (Deceased)

2. Sanctus Mary

3. Aldrin Dennis

4. Andrew Dennis

5. Alen Dennis \*

\* P2 to P5 are substituted as LR's of

Deceased sole petitioner vide

order dated 27.10.2025

in W.M.P. Nos.44721 and 44722 of 2025.

Petitioners

...

in both W.P.s

vs.

1. The State of Tamil Nadu

Rep. by the Secretary

Revenue Department,

Fort. St. George,

Chennai – 600 009.

2. The Special Commissioner,

Revenue Administration,

Disaster Management and Mitigation,

Ezhilagam,

Chennai – 600 005.



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3. The District Collector,  
Kanyakumari District,  
Nagercoil.

4. The District Revenue Officer,  
Nagercoil.

5. The Revenue Divisional Officer,  
Padmanabhapuram,  
Thuckalay P.o.  
K.K. District.

6. The Tahsildar,  
Vilavancode Tk.  
Kuzhithurai,  
K.K. District.

.... Respondents  
in W.P. No.40212 of 2005

1. The State of Tamil Nadu  
Rep. by the Secretary  
Revenue Department,  
Fort. St. George,  
Chennai – 600 009.

2. The Special Commissioner & Commissioner of Land  
Administration,  
Chepauk,  
Chennai – 600 005.

3. The Special Commissioner,  
Revenue Administration  
Disaster Management and Mitigation Department,  
Ezhilagam,  
Chennai - 600 005.

4. The District Collector,  
Kanyakumari District,  
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5. The District Revenue Officer,  
Nagercoil.

6. The Revenue Divisional Officer,  
Padmanabhapuram,  
Kanyakumari District.

7. The Tahsildar,  
Vilavancode Tk.  
Kuzhithurai,  
Kanyakumari District.

.... Respondents  
in W.P. No.18365 of 2008

**#Amended Prayer in W.P. No.40212 of 2005:** Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondents to hand back to the petitioner vacant possession of his land of an extent of 0.10.5 hectares in S. No.296/13 in Ezhudesam Village, Vilavancode Taluk, Kanyakumari District, pursuant to the orders of the Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai vide proceedings No.G1/32647/05, dated 20.10.2005 or in the alternative direct the respondents to treat the case as one for under land acquisition and pay compensation to the petitioner from the property as per the prevailing market rate.

# Prayer amended as per order dated 12.09.2007 in W.P. M.P. No.1903 of 2007.

**Prayer in W.P. No.18365 of 2008:** Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in R.C. No.G1/3532/2006, dated 09.07.2008 confirming the order of the 5<sup>th</sup> respondent in R.C. No.54663/05

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dated 17.03.2006 quash the same and direct the respondents to pay compensation to the petitioner on market value for the lands measuring 0.10.5 hectares in S. No.296/13 in Ehudesam Village, Vilavancode Taluk, Kanyakumari district.

**In both W.P.s**

For petitioners : Ms. Hema Sampath  
Senior Counsel  
for Ms.R. Meenal

For respondents : Mr.A.M. Ayyadurai  
Govt. Advocate

**COMMON ORDER**

Since the issue involved in both the writ petitions is one and the same, they are taken up together and disposed of by way of common order.

2. During the pendency of these writ petitions, the sole petitioner died, hereinafter referred to as original petitioner and the Legal Heirs of the original petitioner were impleaded as petitioners in these writ petitions.

3. The original petitioner was assigned a land to an extent of 0.10.5 hectares in Survey No.296/13, situated at Elavancode Taluk, Kanyakumari District, under Revenue Standing Order 15, by proceedings dated 30.09.1977, on the ground that he was a landless poor agriculturist. Though the assignment



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was granted in the year 1977, a corrected assignment order was subsequently issued in D.K.No.9/90 dated 09.04.1982. As per the conditions of assignment, he was required to convert the barren land into cultivable land within a period of three years. It is the specific case of the petitioners that within the stipulated period, the land was brought under cultivation. The respondents ranking in W.P. No.18365 of 2008 is taken into account for arraying.

4. While so, in the year 2004, due to tsunami, the Government decided to acquire lands in the locality for the purpose of rehabilitation and housing of tsunami victims. In that process, lands in Survey Nos.296/9, 296/10, 296/11, 296/12 and 296/14, including the original petitioner's assigned land in Survey No.296/13, were taken over. It is the grievance of the petitioners that without making any payment for compensation, their land was taken over. Subsequently, in the year 2005, the 4<sup>th</sup> respondent in W.P. No.18365 of 2008 initiated proceedings alleging violation of assignment conditions and, based on the recommendation of the 6<sup>th</sup> respondent, cancelled the assignment by order dated 08.10.2005.

5. Aggrieved by the said cancellation, the deceased petitioner preferred an appeal before the 2<sup>nd</sup> respondent. The appellate authority, by order dated 20.10.2005, allowed the appeal and remanded the matter to the 5<sup>th</sup> respondent for fresh consideration on the ground of violation of principles of natural justice.



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6. Thereafter, the 5<sup>th</sup> respondent again passed an order dated 17.03.2006, confirming the cancellation. On the other hand, since no order was passed in the subsequent appeal, the petitioner approached this Court in W.P. No.40212 of 2005 and this Court, by order dated 15.04.2008 in W.P.M.P. No.500 of 2008, directed the 2<sup>nd</sup> respondent to consider the appeal, within a stipulated period and the main writ petition viz., W.P. No.40212 of 2005 was kept pending. Pursuant thereto, the 2<sup>nd</sup> respondent passed an order confirming the cancellation, which is impugned in writ petition viz., W.P. No.18365 of 2008.

7. Learned Senior Counsel appearing for the petitioners submitted that initially the subject land was assigned to the original petitioner in the year 1977 and subsequently corrected patta issued in the year 1982 vide D.K. No.9/90. She further submitted that the sole condition of assignment was to bring the barren land under cultivation within three years, which was duly complied with by the original petitioner. After a lapse of more than two decades, the respondents have no authority to cancel the assignment.

8. She further argued that the respondents took over the petitioners assigned land along with adjacent lands for rehabilitation of tsunami victims without paying any compensation. She strongly argued that the cancellation could have been made only within the condition period by the original assigning order, after due enquiry and therefore, the said cancellation is merely an



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afterthought, with an ulterior motive to defeat the petitioners' claim for compensation. Hence, the impugned cancellation orders both dated 09.07.2008 and 17.03.2006 passed by the 2<sup>nd</sup> and 5<sup>th</sup> respondents respectively are liable to be quashed. On the aforesaid score, she prays for allowing of W.P. No.18365 of 2008 and for issuance of appropriate directions in W.P. No.40212 of 2005.

9. Learned Government Advocate appearing for the respondents submitted that the subject land is classified as Assessed Waste Dry (Government Poromoboke land), assigned subject to strict conditions. Further, on inspection, it revealed that the original petitioner failed to cultivate the land even after 28 years, violating Condition No.5 of the assignment. He argued based on the counter affidavit stating that only after conducting due enquiry, the 5<sup>th</sup> respondent cancelled the assignment, and the same was confirmed in appeal and now the Legal Heirs of the original petitioner cannot make any claim on the said assignment. Hence, these writ petitions deserve dismissal and prayed for the same.

10. This Court heard the rival submissions made by learned counsel on either side and perused the available records.

11. It is not in dispute that the original assignment granted in favour of the sole petitioner, initially in the year 1977 and thereafter corrected patta issued in the year 1982, with a condition to bring the land under cultivation



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within three years. As rightly pointed out by learned Senior Counsel appearing for the petitioners that if there was any violation of the assignment condition, action ought to have been initiated within the stipulated period, after following due process. Cancellation of assigned land that too after more than two decades is impermissible in law. During the earlier hearing, this Court had issued directions to the respondents to produce the original assignment order. In response, the respondents stated in their proceedings dated 18.11.2025 that due to efflux of time, the relevant records are not available for production. The same has also been taken note of by this Court. Thus, this Court is of the considered opinion that the impugned orders of cancellation passed by the 2<sup>nd</sup> and 5<sup>th</sup> respondents are arbitrary and perverse and the same are liable to be set aside.

12. In the result, this Court issues the following directions :-

i) W.P. No.18365 of 2008 is allowed, and the impugned cancellation orders, both dated 09.07.2008 and 17.03.2006 passed by the 2<sup>nd</sup> and 5<sup>th</sup> respondents are set aside.

ii) If the land in S.No.296/13 in Ezhudesam Village, Vilavancode Taluk, Kanyakumari District is still available and vacant, the respondents shall restore possession to the petitioners.



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iii) If the land is not available, the respondents shall pay

reasonable compensation to the petitioners, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

iv) In view of the above directions, as the issue is resolved,

W.P.No.40212 of 2005 also shall stand disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

19.11.2025

Index:Yes/No  
Speaking/Non-speaking order  
Neutral Citation : Yes/No  
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To  
1. The Secretary  
The State of Tamil Nadu  
Revenue Department,  
Fort. St. George,  
Chennai – 600 009.  
  
2. The Special Commissioner,  
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Disaster Management and Mitigation,  
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**M.DHANDAPANI, J.**

vsi2

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and

W.P.M.P. No.43133 of 2005

and

M.P. No.1 of 2008

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