



WP.No.22048 of 2023

In the High Court of Judicature at Madras

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Reserved on 13.3.2025	Delivered on : 19.3.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.22048 of 2023
& WMP.Nos.21425 & 21426 of 2023

- 1.Ramehkumar
- 2.K.Jallal
- 3.Rabik Raja
- 4.Jam Jam Megariba
- 5.Nagheswari
- 6.Inbanayaki
- 7.Krishnamoorthy
- 8.Kavitha

...Petitioners

Vs

- 1.The Commissioner of Land
Administration, Chepauk,
Chennai-5.
- 2.The District Collector,
Sivagangai.
- 3.The District Revenue Officer,
Sivagangai
- 4.The Revenue Divisional Officer,
Sivagangai.
- 5.The Tahsildar, Manamadurai
Taluk, Sivagangai District.

...Respondents

PETITION under Article 226 of The Constitution of India praying



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for the issuance of a Writ of Certiorari to call for the records of the proceedings No.G2/17120/2016 dated 04.5.2023 on the file of the first respondent and to quash the same as illegal, erroneous and without jurisdiction.

For Petitioners : Mr.V.Raghavachari, SC for
Mrs.V.Srimathi

For Respondents : Mr.R.Ramanlal, AAG
assisted by
Mr.A.Selvendran, SGP

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 04.5.2023.

2. Heard the learned Senior Counsel appearing on behalf of the petitioners and the learned Additional Advocate General appearing for the respondents.

3. The case of the petitioners is as follows :

(i) The properties measuring 62.05.0 hectares of Government lands, which were classified as Sarkar punjai in S.No.262 at Mangulam Group Village, Manamadurai Taluk, Sivagangai District were



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subdivided into S.Nos.285/1 to 300/4 and the assignment was granted in favour of 67 persons under Standing Order No.15 of the Board of Revenue as per the proceedings of the fifth respondent dated 29.1.1985. Pursuant to that, the property in New S.No.300/4 was assigned in favour one Mrs.Kasthurilalitha, from whom, the first petitioner purchased it vide sale deed dated 12.7.2000 registered as doc.No.1227 of 2000 on the file of the Sub-Registrar, Manamadurai.

(ii) Similarly, the properties in S.Nos.292/2 and 296/4 totally measuring 5 cents were purchased by the first petitioner from the original assignees through the sale deed dated 19.7.2000 registered as doc.No.1229 of 2000 on the file of the same Sub-Registrar. The vendors of the first petitioner were also issued with the patta. Ever since the dates of purchase, the first petitioner has been in possession and enjoyment of the same.

(iii) After purchase, on 11.8.2000, the first petitioner applied to the second respondent for the grant of lease to quarry. It is worthwhile to make a mention here that the Village Administrative Officer, Manamadurai Taluk gave a report dated 10.8.2000 stating that the properties purchased by the first petitioner were unfit for cultivation and recommended to grant lease for quarrying. Another report dated



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18.8.2000 was issued by the Village Administrative Officer, Mangulam Group Village to the same effect.

(iv) The said reports were acted upon by the second respondent, who, by proceedings dated 23.8.2000, directed the fifth respondent to submit a report on the application of the first petitioner dated 11.8.2000 requesting for lease to quarry. The fifth respondent also submitted a report on 31.8.2000. The second respondent, through proceedings dated 21.9.2000, granted lease in the name of the first petitioner for three years. The lease agreement was entered into vide agreement dated 27.9.2000 between the first petitioner and the second respondent and it provides for certain terms and conditions and the lease was granted from 27.9.2000 to 26.9.2003 in respect of the properties purchased by the first petitioner in S.Nos.292/2, 296/4 and 300/4 measuring 3.00.5 hectares.

(v) In so far as the second petitioner is concerned, the assignment was made in his favour with respect to the property in S.No.290/2 measuring 0.96.5 hectare. Patta was also issued in his favour in patta No.835. Similarly, an extent of S.No.290/1 measuring 0.96.5 hectare was assigned in favour of the third petitioner and patta was also granted in his name in patta No.834.



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(vi) Likewise, an extent of 0.81.0 hectare in S.No.287/4 was assigned in favour of the fourth petitioner and patta was also mutated in his favour in patta No.858. The properties in S.No.289/4 measuring 2.50 cents and S.No.290/3 measuring 0.96.5 hectare were assigned in favour of one Mr.Alagusamy vide proceedings of the fifth respondent dated 29.1.1985. Patta was also mutated in his name in patta No.836. The said Mr.Alagusamy sold the properties assigned in his favour to one Mr.N.Selvam vide two sale deeds dated 16.6.2000 and 27.7.2003 registered as doc.Nos.1989 of 2000 and 1009 of 2003 respectively on the file of the same Sub-Registrar for a valid sale consideration. Patta was also mutated in the name of the said Mr.N.Selvam. After the demise of the said Mr.N.Selvam on 25.12.2021, petitioners 5 to 8 inherit his estate as his legal heirs.

(vii) The specific case of petitioners 2 to 8 is that the properties assigned to/bought by them are utilized for agricultural purposes.

(viii) A notice dated 24.1.2006 came to be issued by the second respondent to show cause as to why the assignments made in favour of 67 persons should not be cancelled for violation of the conditions of assignment. This was done pursuant to a complaint dated 19.7.1995 given to the second respondent and the order dated 31.5.2006 was



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passed by the third respondent cancelling the assignment made in favour of 67 persons.

(ix) The said proceedings of the third respondent dated 31.5.2006 was put to challenge by the first petitioner before the Land Reforms Appellate Tribunal, Chennai by filing an appeal dated 28.12.2006. In the interregnum, the fifth respondent, through proceedings dated 27.6.2008, ordered status quo in respect of the properties in dispute till the completion of the proceedings before the Land Reforms Appellate Tribunal, Chennai. After the disposal of the appeal filed by the first petitioner on 27.3.2007 by the Special Commissioner and Commissioner for Land Administration, Chennai, the third respondent passed the order dated 26.7.2016 cancelling the assignment made in favour of petitioners 1 to 4, one Mr.Babu Victor and the said Mr.N.Selvam.

(x) Aggrieved by the said order dated 26.7.2016, the first petitioner filed an appeal before the first respondent on 25.8.2016 and it was rejected by the first respondent vide the impugned proceedings dated 04.5.2023 as devoid of merits. Aggrieved by that, the petitioners have come forward with this writ petition.

4. The first respondent filed a counter affidavit for herself and on



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behalf of the other respondents wherein the following stand has been taken :

(i) In so far as the first petitioner is concerned, the sale made in his favour was in violation of the assignment conditions. That apart, the first petitioner conducted unauthorized quarrying of gravel stones in the agricultural lands. In so far as petitioners 2 to 4 are concerned, they did not cultivate the assigned lands and thereby violated the conditions of assignment. With respect to petitioners 5 to 8, the sale of the properties in favour of the said Mr.N.Selvam by the original assignee was in violation of the conditions of assignment.

(ii) Apart from that, the assignment that was granted in the name of 67 persons was cancelled after conducting a proper inquiry and after affording an opportunity to the assignees since they are not cultivating the lands and that the lands remained as vacant barren lands. A decision was taken by the Government to utilize the lands for future development purpose. Emphasis is placed in the impugned order whereby Manamadurai Town is upgraded as a municipality on 07.12.2021 and that the lands assigned are required for the implementation of different schemes of various departments along with the adjacent lands. For all these reasons, the respondents



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justified the cancellation of the assignment and sought for dismissal of this writ petition.

5. The main ground that was urged by the learned Senior Counsel appearing on behalf of the petitioners is as follows :

(i) Even as per the conditions of assignment, the lands assigned were supposed to be cultivated for a period of first three years and they could not be sold for a period of 10 years from the date of assignment. The sales that were made in favour of the first petitioner and the said Mr.N.Selvam, from whom, petitioners 5 to 8 inherited the lands assigned, were made after a period of 10 years from the respective dates of assignment in the year 2000/2003.

(ii) The impugned order was passed by the first respondent nearly after three decades subsequent to the original allotment by stating that no agricultural activities had taken place during the first three years from the respective dates of assignment. Such a reason assigned is unsustainable since, after the expiry of 10 years from the date of assignment, the respective assignees have become the owners of the lands assigned and there is absolutely no bar for them to deal with those lands.

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(iii) The first respondent has also come up with the reasoning that Manamadurai Town has been upgraded as municipality in the year 2021 and the lands are acquired for implementation of different schemes from various departments along with the adjacent lands. Therefore, the first respondent has chosen not to interfere with the order passed by the third respondent dated 26.7.2016.

(iv) In order to substantiate his submissions, the learned Senior Counsel appearing on behalf of the petitioners has relied upon the following :

*"(a) decision of a learned Single Judge of this Court in the case of **David M.N.C. Vs. Commissioner, Land Administration [reported in 1997 (3) LW 784];***

*(b) decision of a Division Bench of this Court in the case of **T.Tirumalai Gounder Vs. State of Tamil Nadu [reported in 2010 (5) LW 289];***

*(c) decision of a Division Bench of this Court in the case of **M.G.Chakravarthi Naicker Vs. K.M.Thillaimoorthy [reported in 1970 (1) MLJ 476];***

*(d) decision of a learned Single Judge of this Court in the case of **R.Abdul Jabbar Vs. State of Tamil Nadu [reported in 1996 (2) CTC 719];***

(e) decision of a Division Bench of the



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*Madurai Bench of this Court in the case of **District Collector, Pudukkottai Vs. Gunasundari [W.A. (MD) Nos. 1201 of 2019 etc. cases dated 08.7.2022];***

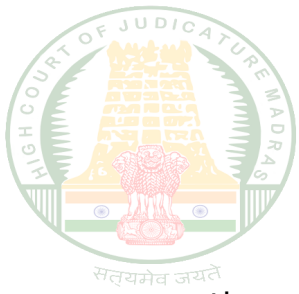
*(f) decision of a Division Bench of this Court in the case of **M.R.Samiappan Vs. Secretary to Government, Revenue Department [reported in 1988 (1) LW 165];** and*

*(g) decision of a Larger Bench of the Andhra Pradesh High Court in the case of **Land Acquisition Officer-cum-Revenue Divisional Officer, Chevella Division Vs. Mekala Pandu [reported in AIR 2004 AP 250].**"*

6. Per contra, the learned Additional Advocate General appearing on behalf of the respondents has submitted as follows :

There was a clear violation of the terms and conditions of the assignment. The lands assigned were not utilized for agricultural purposes and they continued to remain as vacant barren lands. As per G.O.Ms.No.2485 dated 09.11.1979 under Form D read with Standing Order No.15 of the Board of Revenue, permission to sell the assigned lands must be obtained from either the Tahsildar or the Revenue Divisional Officer even after expiry of 10 years. Since the same was not done, the sale deeds executed in favour of the first petitioner and

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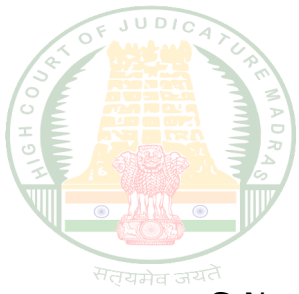
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the said Mr.N.Selvam, from whom, petitioners 5 to 8 have inherited the assigned lands, are illegal and had resulted in violation of the conditions of assignment. The lands are now required for implementation of various projects and there is a larger public interest involved, which had to be weighed in favour of the Government as against interest of the private individuals.

7. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned proceedings.

8. The short issue that arises for consideration is as to whether the reasons given for cancellation of assignment made by the third respondent vide proceedings dated 26.7.2016 as confirmed by the first respondent vide impugned proceedings dated 04.5.2023 are valid or liable to be interfered by this Court.

9. It is not in dispute that a large extent of lands was assigned in favour of 67 persons as per the proceedings of the Tahsildar, Manamadurai dated 29.1.1985. The assignment involved the lands in



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S.Nos.281/1 to 300/4. The lands, which are the subject matters of this writ petition, are in S.Nos.287/4, 289/4, 290/1, 290/2, 292/2, 296/4 and 300/4. It is worthwhile to make a mention here that the others have not come before this Court challenging the cancellation of assignment.

10. The first ground that has been put against the petitioners is that the lands assigned were not utilized for agricultural purposes for the first three years and that since there was no cultivation, they remained as barren lands. In so far as the first petitioner and the said Mr.N.Selvam, from whom, petitioners 5 to 8 have inherited the lands assigned, are concerned, the additional ground raised against them is that the sale deeds were executed in violation of the conditions of assignment. Yet another ground that has been put against the first petitioner is that the first petitioner had unauthorizedly quarried the agricultural lands, which is also in violation of the conditions of assignment.



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11. On carefully going through the conditions of assignment, it is seen that the assignment has been made under Standing Order No.15 of the Board of Revenue. Two of the conditions that have been specifically relied upon are that the agricultural activities should take place during the first three years from the date of assignment and that the lands should not be sold for a period of 10 years from the date of assignment.

12. It is seen that steps were taken for cancellation of assignment only in the year 2006 when a show cause notice was issued by the second respondent dated 24.1.2006. This would mean that the proceedings were initiated nearly after 21 years subsequent to the assignment. All the petitioners have placed reliance upon adangal, chitta and kist receipts. They have taken a specific stand that the lands were utilized only for agricultural purposes. Only for the first time, an assessment was made after nearly 21 years pursuant to seeing the lands being left as vacant barren lands and the Authorities have come to the conclusion that the lands were not used for agricultural purposes for the first three years.



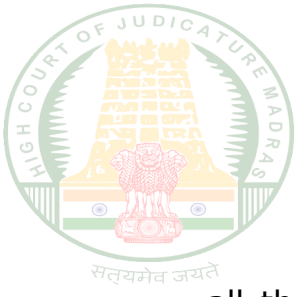
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13. In the considered view of this Court, it will be too late in the day to conclude that the assigned lands were not put to agricultural usage for the first three years after the assignment and that too, after a lapse of 21 years. The assessment of the lands after 21 years cannot be the guiding factor to assess as to what would have been the status of the lands assigned in the first three years. If at all there was any violation on the ground that the lands assigned were not cultivated for the first three years, steps ought to have been taken for cancellation of the assignment immediately thereafter and the said condition cannot be put against the assignees after a lapse of more than two decades. Even assuming that the assignees had not utilized the lands for agricultural purposes for more than a decade, obviously, the lands will remain only as vacant barren lands.

14. The third respondent assigned a further reason that the lands in S.Nos.285/1 to 300/4 were assigned in favour of persons, who did not belong to that place and who had furnished false details.

15. It is too difficult to sustain this reason assigned by the third respondent nearly after 21 years subsequent to the assignment. If at



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all the assignment was made to persons, who gave false particulars, proceedings should have been initiated immediately to cancel the assignment and it would not require 21 years to commence the proceedings.

16. The other reason that was put against the first petitioner and the said Mr.N.Selvam, from whom petitioners 5 to 8 have inherited the assigned lands, is that the sale deeds were executed in violation of the terms of assignment. The assignment conditions restrict the sale only for a period of 10 years from the date of assignment. After expiry of this period, there is no restriction for the assignee to deal with the properties assigned. It must be borne in mind that the respondents cannot traverse beyond the conditions of assignment and that the power to cancel the assignment is not unbounded and untrammelled. This is in view of the fact that the assignee gets absolute right over the assigned lands after the expiry of 10 years from the date of assignment.

17. The respondents are relying upon Standing Order No.15 of the Board of Revenue in Form D, which states that after the expiry of



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10 years, the assigned lands can be disposed of only after getting prior permission of either the Tahsildar or the Revenue Divisional Officer. This is based on G.O.Ms.No.2485 dated 09.11.1979. If really this Government Order is relied upon, nothing stopped the respondents from adding it as one of the conditions of assignment. If it has not been made as a condition, there is no illegality in dealing with the lands assigned after a period of 10 years from the date of assignment.

18. One additional ground that has been put against the first petitioner is that the properties assigned were utilized for quarrying of gravel stones. As stated supra, the first petitioner had purchased the properties in the year 2000, which was after 15 years subsequent to the original assignment. When the properties were purchased, the condition to utilize the lands for agricultural purpose will not apply to the first petitioner since it is confined to the first three years after the assignment.

19. That apart, the quarrying that was done for a period of three years from 27.9.2000 to 26.9.2003 cannot be held to be illegal since such permission was granted after getting the reports from the



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concerned Authorities and after an appropriate order was passed by the second respondent, pursuant to which, an agreement was entered into between the first petitioner and the second respondent for carrying on with the quarrying operations in S.Nos.292/2, 296/4 and 300/4.

20. By no stretch, the quarrying operations can be termed to be illegal as is attempted to be projected by the third respondent and as confirmed by the first respondent. In the considered view of this Court, Manamadurai Town has been upgraded as a municipality in the year 2021 and most probably the lands that were assigned are required for implementation of various schemes. In that process, the Government wanted to take back the entire lands that were assigned in favour of 67 persons. That reason has also been specifically assigned by the first respondent in the impugned proceedings dated 04.5.2023. Therefore, it is clear that the Authorities are attempting to find a ground to cancel the assignment and take back the lands. This Court finds that none of the reasons assigned by the third respondent as was confirmed by the first respondent is sustainable.



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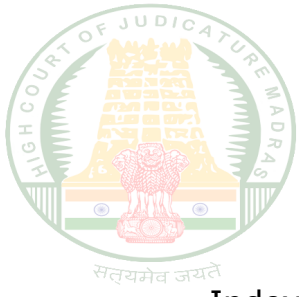
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21. Ex consequenti, the cancellation of assignment of lands, in so far as petitioners 1 to 4 and the said Mr.N.Selvam, from whom, petitioners 5 to 8 inherited the assigned lands, are concerned, is found to be illegal and the order passed by the third respondent as was confirmed by the first respondent by the impugned proceedings suffer from error of law apparent on the face of the orders. Accordingly, they require interference of this Court.

22. For the foregoing reasons, the writ petition is allowed and the proceedings dated 26.7.2016 issued by the third respondent as confirmed by the first respondent vide the impugned proceedings dated 04.5.2023 are hereby quashed only in so far as petitioners 1 to 4 and the said Mr.N.Selvam, from whom, petitioners 5 to 8 inherited the assigned lands, are concerned. It is made clear that the benefit of this order will enure only in favour of petitioners 1 to 4 and the said Mr.Selvam, from whom, petitioners 5 to 8 inherited the assigned lands and not to others. No costs. Consequently, the connected WMPs are closed.

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Index : Yes
Neutral Citation : Yes

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