



W.P(MD)No.1653 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.1653 of 2025

L.N.Valliammai

... Petitioner

VS.

1.The Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.

2.The District Revenue Officer,
Sivagangai,
Sivagangai District.

3.The Sub Collector,
Devakottai,
Sivagangai District.

4.The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.

... Respondents



W.P(MD)No.1653 of 2025

WEB COPY

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in his proceedings in ROC No.G2/3383/2012 dated 02.12.2024 and quash the same and consequently restore the Patta No.2253 in respect of Survey Nos.244/5, 244/8, 244/9 and 244/14 to a total extent of 1.85.5 hectare, situated at Thiruvelangudi Village, Karaikudi Taluk, Sivagangai District.

For Petitioner : Mr.S.Sankar

For Respondents : Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.M.Sarangan
Additional Government Pleader

ORDER

(Order of the Court was made by G.ARUL MURUGAN, J.)

The Writ Petition is filed seeking to quash the proceedings of the first respondent dated 02.12.2024 and consequently restore the Patta No.2253 in respect of Survey Nos.244/5, 244/8, 244/9 and 244/14 to a total extent of 1.85.5 hectare, situated at Thiruvelangudi Village, Karaikudi Taluk, Sivagangai District.



W.P(MD)No.1653 of 2025

WEB COPY

2.The writ petitioner is the wife of the appellant in W.A(MD)No. 689 of 2025.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondent.

4.The case of the petitioner is that the subject property was originally assigned in favour of one K.Noorjahan, M.Chellamuthu, KR.Alagappan and G.Periyanayagi, respectively, through proceedings dated 31.05.1994 and 05.12.1994. The original assignees alienated the above properties in favour of one C.T.Paramasivam. The said C.T.Paramasivam sold the above properties through a registered sale deed vide Document No. 3442 of 2006, dated 27.07.2006 in favour of the petitioner. The revenue records mutated in the name of the petitioner and patta was issued in favour of the petitioner on 15.09.2006.



W.P(MD)No.1653 of 2025

WEB COPY

5.While so, the third respondent vide proceedings dated 29.04.2008 cancelled the assignment orders. Aggrieved over the same, the petitioner preferred an appeal before the second respondent. The second respondent vide proceedings dated 27.12.2011 rejected the appeal. Aggrieved over the same, the petitioner filed a revision before the first respondent on 07.12.2012. The said revision also rejected by the first respondent vide proceedings dated 22.01.2013. The petitioner filed a Writ Petition in W.P(MD)No.4972 of 2013 challenging the said order dated 22.01.2013 issued by the first respondent. The said Writ Petition was allowed by order dated 10.04.2018 remitting the matter back to the first respondent for fresh consideration.

6.Pursuant to the above order, the matter was once again remitted back to the file of the first respondent. The first respondent vide impugned proceedings dated 02.12.2024, rejected the claim made by the petitioner and confirmed the cancellation of the assignment mainly on the ground that the land in question was never utilised for cultivation and



W.P(MD)No.1653 of 2025

WEB COPY

therefore, the same was in violation of Clause-10 of the terms and conditions of the assignment.

7.As per the terms and conditions of the assignment, Clause 10 specifically stipulates that the land assigned shall be brought under cultivation within a period of one year from the date of the assignment granted. It is not in dispute that the lands were never put under cultivation for a period of 30 years and therefore the mandatory condition stipulated in the assignment has been violated.

8.It is the contention of the learned counsel for the petitioner that, though the assignment was granted as early as in the year 1994, the conditions incorporated in the assignment had been complied with and there was no violation of the conditions stipulated in the assignment.

9.Per contra, the learned Additional Advocate General appearing for the respondents submitted that the impugned order challenged in the Writ Petition came to be passed after conducting a detailed enquiry. In the



W.P(MD)No.1653 of 2025

WEB COPY

enquiry, it was found that though there was a mandatory condition requiring the land to be brought under cultivation within a period of one year, the petitioner had not cultivated the lands even for a period of 30 years. Taking note of the position, the assignment came to be cancelled.

10.Heard the submissions of the rival parties and perused the materials available on record.

11.It is not in dispute that an assignments were granted in the year 1994.

12.Clause 10 of the assignment order specifically stipulates that the lands assigned in favour of the petitioner shall be brought under cultivation within a period of one year from the date of the grant of the assignment. The petitioner is unable to produce any records to the effect that the land was ever brought under cultivation.



W.P(MD)No.1653 of 2025

WEB COPY

13.The enquiry conducted and the impugned order passed by the authorities reveal that the petitioner had not made any cultivation in the subject lands even for a period of 30 years, and thereby the mandatory condition as granted in the assignment has not been complied with so far.

14.The Division Bench of this Court, in which one of us was a party, had an occasion to consider the issue of cancellation of the assignments due to violation of the mandatory condition in the case of ***The Principal Secretary and Commissioner of Land Administration and others Vs. Mohamed Imranullah [W.A.No.2883 of 2023, dated 14.03.2024]***. The Division Bench considered the relevant provisions under the Revenue Standing Orders and came to the conclusion that the cancellation of the assignment in view of violation of the conditions is sustainable. Paragraphs 3, 4, 5 and 8 of the said Judgment are extracted hereunder for easy reference:

“3. As per the special condition stipulated in the assignment order, the assignee cannot sell the land for a period of 10 years. After the completion of 10 years of period, the



W.P(MD)No.1653 of 2025

WEB COPY *assigned land can be alienated, but only with the prior permission of the Government.*

4. Clause 15 (12)(3) of the Revenue Standing Order stipulates Special Conditions as under :

“The assigned land shall not be alienated for a period of ten years from the date of assignment. In the event of the assignee wishing to dispose of the land after the above period, he should get prior permission of either the Tahsildar or the Revenue Divisional Officer, who should give permission only, if the sale is to one of the categories, eligible for assignment of Government Waste lands for cultivation purposes”.

5. The learned Special Government Pleader Mr.A.Selvendran would submit that admittedly the land was assigned under Clause 15 of the Revenue Standing Orders, in favour of the respondent. He sold the property on completion of 10 years of the assignment. However, no prior permission was obtained from the Government before selling the said property. Thus, the assignee had violated the special conditions imposed in the assignment order. Consequently, the District Revenue Officer initiated action to resume the Government land for assigning the same in favour of the eligible persons.



W.P(MD)No.1653 of 2025

WEB COPY

.....

8. The respondent preferred a revision petition, where the Commissioner of Land Administration confirmed the order passed by the District Revenue Officer. The conditions including the special conditions stipulated in the assignment order are binding on the assignee. It is not in dispute that the land was assigned in favour of the respondent and he has alienated the Government land without obtaining any prior permission from the competent authority. The said factum was not interpreted with reference to the special conditions imposed in Revenue Standing Order 15 by the Writ Court and therefore, we are inclined to consider the present writ appeal.”

15.In view of the settled position of law and the admitted fact that the lands were not brought under cultivation, it is evidently clear that the conditions of the assignment have been violated by the petitioner and thereby the authorities have rightly cancelled the assignment.

16.In view of the above, there is no ground to interfere with the



W.P(MD)No.1653 of 2025

WEB COPY

impugned proceedings of the first respondent. Accordingly, this Writ
Petition is dismissed. There shall be no order as to costs.

[S.M.S.,J.] & [G.A.M.,J.]
28.08.2025
(2/2)

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



W.P(MD)No.1653 of 2025

WEB COPY

To

- 1.The Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.
- 2.The District Revenue Officer,
Sivagangai,
Sivagangai District.
- 3.The Sub Collector,
Devakottai,
Sivagangai District.
- 4.The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.



WEB COPY



W.P(MD)No.1653 of 2025

S.M.SUBRAMANIAM, J.
and
G.ARUL MURUGAN, J.

ps

ORDER MADE IN
W.P(MD)No.1653 of 2025

DATED : 28.08.2025
(2/2)

12/12