



W.P.(MD)Nos.2065, 4407 & 4471 of 2023

and 18345 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 10.03.2025

DELIVERED ON : 20.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)Nos.2065, 4407 & 4471 of 2023

and 18345 of 2024

and

W.M.P.(MD)Nos.9829, 4209, 1848 & 4150 of 2023, 18834,

15620, 15621 & 15622 of 2024 and 1902 of 2025

W.P.(MD)Nos.2065, 4407 & 4471 of 2023:

A.Palanichamy	: Petitioner in W.P.(MD)No.2065/23
K.Selvaraj	: Petitioner in W.P.(MD)No.4407/23
S.Jeganathan	: Petitioner in W.P.(MD)No.4471/23

Vs.

1.The Revenue Divisional Officer,
Palani Taluk,
Dindigul District.

2.Veluchamy : Respondents in all Writ Petitions



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COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying for Writs of Certiorari, to call for the impugned order passed by the first respondent vide Na.Ka.No. 11305/2022/A6 dated 31.12.2022 and to set aside the same in respect of the petitioner's lands comprised in S.No.4/5, S.No.4/3 and S.Nos.4/1A1, 4/1A2, 4/1A3 & 4/1A4, in respect of 2.02.5 hectares, 2.02.5 hectares and 0.81.0 Ares, respectively of Kallimanthayam Village, Ottanchathiram.

For Petitioners	: Mr.Babu Rajendran [In all 3 Writ Petitions]
For Respondent No.1	: Mr.Veera Kathiravan, Additional Advocate General Assisted by Mr.B.Saravanan [In W.P.(MD)Nos.2065, 4471/23]
For Respondent No.1	: Mr.Veera Kathiravan, Additional Advocate General Assisted by Mr.B.Saravanan [In W.P.(MD)No.4407/23]
For Respondent No.2	: Mr.S.Sivathilakar [In all 3 Writ Petitions]

W.P.(MD)No.18345 of 2024:

- 1.L.Kumar
- 2.R.Jhon Lawrence
- 3.M.Venkatachalam



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4.R.Arumugam

5.R.Tamilarasi

6.S.Jegadhambal

7.V.Murugesan

8.S.Kasthuri Raja

9.M.Vellathai

10.R.Karuppasamy

11.P.Santhanam

12.S.Suresh Kumar

13.S.Saraswathi

14.A.Muhammad Ali Jinna

15.K.Kowsalya

16.K.Karthikraja

17.K.Chitra

18.M.Nachimuthu

19.PR.Kasi

20.P.Baby Shakeela

21.P.Subramani

22.BabyRathinaboy

23.P.Cheralathan

24.S.Fatima

25.V.Subramani

26.A.Tamilmaran

: Petitioners

Vs.

1.The Commissioner of Land Administration,
Ezhilagam,
Chepauk, Chennai.



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2.The District Collector,

O/o. the District Collectorate,

Dindigul District.

3.The Revenue Divisional Officer,

O/o. The Revenue Divisional Office,

Palani, Dindigul District.

4.The Tahsildar,

Oddanchattiram Taluk,

Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the third respondent in his proceedings in Na.Ka.No.9677/2021/A6 dated 31.10.2022 and quash the same as illegal and consequentially to direct the respondents to mutate the revenue records including the patta qua the respective shares of the petitioners in the land to a total extent of 8.27 acres comprised in Survey Nos.151/1A, 1B, 2, 152, 153 and 154, Oddanchattiram Village, Dindigul District within the period that may be stipulated by this Court.



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For Petitioners : Mrs.H.Jasima Yasmin
for M/s.Ajmal Associates

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General
Assisted by Mr.M.Lingadurai,
Special Government Pleader

COMMON ORDER

The issue in all these writ petitions being one and the same, with the consent of the learned Counsel appearing in all these matters, Writ Petitions have been heard together and being disposed of by a common order.

2.I have heard Mr.Babu Rajendran, learned Counsel for the petitioner in W.P.(MD)Nos.2065, 4407 & 4471 of 2023 and Mrs.Jasima Yasmin, for M/s.Ajmal Associates, learned Counsel petitioner in W.P.(MD)No.18345 of 2024, Mr.Veera Kathiravan, learned Additional Advocate General for the official respondents in all these Writ Petitions.

3.The common issue in all these Writ Petitions is touching the power of the State to cancel assignments, alleging violation of conditions of assignments.



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4. In W.P.(MD)No.2065 of 2023, the case of the petitioner is that the property comprised in S.No.4/5 to an extent of 2.02.50 hectares was assigned to one Palaniappan Mathari, under Barren Land Improvement / Waste Land Improvement Scheme, prior to the year 1967. The said assignee Palaniappan Mathari, also availed a loan on 01.08.1967, for construction of a well. The Government sanctioned the said loan in terms of the Land Improvement Loan Act, 1883. It is the further case of the petitioner that the said Palaniappan Mathari, also obtained further loans from Tamil Nadu Khadi and Village Industries Board in March, 1982. That apart, he also stood as a surety and the subject property was also offered as security for the loan obtained by one Chinnan from the Tamil Nadu Khadi and Village Industries Board, under Document No.335 of 1982. It is the further case of the petitioner that the said loans were all duly repaid and even a further mortgage created on 03.09.1992 in Document No. 972/1992, was also discharged on 11.07.2000. The said Palaniappan Mathari and his son Selvaraj, for lawful consideration, sold a portion of the subject lands measuring 2 acres and 47 cents in favour of the petitioner's brother, one Vanjimuthu. The said Vanjimuthu, executed a Settlement Deed in favour of the petitioner in and by registered Document No.585 of 2010 dated 28.05.2010.



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5. Thereafter, the original owner, Palaniappan Mathari and his legal heirs sold the southern portion measuring 2 acres and 43 cents to the petitioner's father Arumuga Gounder on 28.09.2015 in Document No.884 of 2015. The said Arumuga Gounder, settled the said property in favour of the petitioner's brother Vanjimuthu, in and by registered Settlement Deed dated 14.07.2016. Subsequent to the settlement, the petitioner's brother Vanjimuthu, also availed a loan from Canara Bank, by depositing title deeds.

6. While matters stood thus, the second respondent lodged a false complaint before the first respondent claiming to be the grandson of one Subban Mathari and alleging that the lands assigned could not be alienated to non-dalit persons and on that basis, he sought for cancellation of the assignment. The petitioner appeared before the first respondent and sought for the nature of the complaint lodged by the second respondent and prayed time to make his submissions. However, the first respondent, according to the petitioner, without granting sufficient time to the petitioner, proceeded to hold that the lands were assigned to Adi-Dravidar people and there has been violation of conditions and thereby cancelled the assignment and directed recovery of lands, besides also mutation of the revenue records. The said order of the first respondent is under challenge in W.P.(MD)No.2065 of 2023.

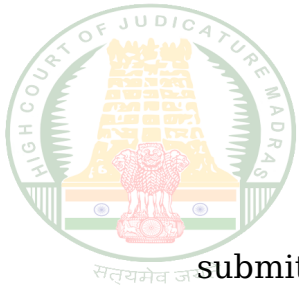


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7.In W.P.(MD)No.4407 of 2023, the petitioner being a purchaser from Subban Mathari, has made similar averments to that has been made by the petitioner in W.P.(MD)No.2065 of 2023 and challenges the order of the first respondent dated 31.12.2022, cancelling the assignment. The petitioner in W.P.(MD)No.4471 of 2023, is a similarly placed Writ Petitioner, who also challenges the order of the first respondent dated 31.12.2022, cancelling the assignment.

8.The petitioners in W.P.(MD)No.18345 of 2024, also challenge the order of the first respondent cancelling the assignment granted, on the premise that it was assignment of panjamar lands. The petitioners are the purchasers of one of the plots forming part of the subject survey numbers originally assigned with conditions, forbearing the assignees from alienating the lands for a period of 10 years and further condition that from the date of assignment within three years, the assignee has to commence agricultural operations in the subject lands.

9.The learned Counsel for the petitioners in W.P.(MD)Nos. 2065, 4407 & 4471 of 2023, would submit that the original assignments were not under Panjamar Scheme but regular assignments without any conditions. Learned Counsel would further

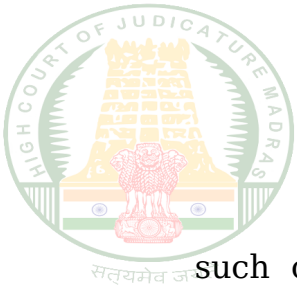


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submit that the lands were originally assigned in favour of various assignees only under Barren Land Improvement / Waste Land Improvement Scheme of the Government of Tamil Nadu. All the assignees had availed loans, which were sanctioned by the Government themselves and duly re-paid over a period of time. Pattas have also been issued by the revenue authorities, confirming the right and entitlement of the subsequent purchasers. The learned Counsel for the petitioners would submit that when the present petitioners have all been issued pattas and they have been in absolute physical possession and enjoyment of the respective lands, the complaint of the second respondent was frivolous and in the absence of any conditions of assignments, the first respondent has proceeded to erroneously presume that the assignments were only under the Panjamar Land Scheme and finding that the alienations have been made in favour of non-scheduled caste and tribe persons, the first respondent has proceeded to cancel the assignments, without even noticing that the original assignment was not in favour of Adi Dravidar people.

10.The petitioner in W.P.(MD)No.18345 of 2024, Mrs.Jasima Yasmin, would submit that the only condition in favour of the original assignee was that the properties should not be alienated for a period of 10 years and admittedly there has been no breach of



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such conditions in the case of the writ petitioners and the first respondent has erroneously proceeded on the basis that the assignments were under the Panjamar Land Scheme and after passage of several decades, the assignments have been cancelled without any merit or justification. She would also contend that even the alienees / purchasers have been issued pattas in their names and they have been in enjoyment of the respective lands purchased and therefore, the belated cancellation of the assignments on the ground of violation of conditions is wholly unsustainable.

11.The learned Counsel for the petitioners in these Writ Petitions prayed for writ petitions being allowed. Reliance is being placed on by the learned Counsel for the petitioners on the following judgments:

(i) T.Tirumalai Gounder and another Vs. The State of Tamil Nadu reported in 2010-5-L.W.289;

(ii) Seriya Pushpam Vs. The Special Commissioner and others reported in 2021 (2) L.W. 548;

(iii) District Collector, Pudukkottai District Vs. Gunasundari and others reported in 2023 (3) CTC 144;



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12.Reliance is also placed on:

(i) Letter No.36741/Ni.Mu.3-1/97-1 dated 15.07.1997;

(ii) G.O.(Ms).No.2555, Revenue Department dated 14.05.1973.

13.Drawing strength from the said letter as well as the Government order referred above, the learned Counsel for the petitioners would contend that the assignment cannot be cancelled after the expiry of three years, from the date of assignment.

14.Per contra, learned Additional Advocate General, Mr.Veera Kathiravan, would contend that the Government order as well as the circulars have been misconstrued and misread by the learned Counsel for the petitioners. According to the learned Additional Advocate General, the purpose of assignment to the persons hailing from weaker sections of society was to provide them with basic shelter and therefore, the State was perfectly justified in imposing conditions restraining alienation for a particular period of time and even beyond such period, alienation could be only in favour of similarly placed persons, also hailing from the weaker sections of society, namely Adi Dravidar people.



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15. Learned Additional Advocate General would therefore submit that when such assignments are abused by sale to non-scheduled caste and scheduled tribe people and the lands are also plotted out by real-estate persons for making huge financial gains, the very object of the assignment for laudable purpose stands defeated. He would therefore, submit that the petitioners cannot contend that despite violations and breach committed by the assignees, the authorities would only be mute spectators and would have no powers to cancel the assignments made. Learned Additional Advocate General, would further state that the petitioners have not even produced the original assignment orders and if they had produced the original assignment orders, the conditions imposed therein would become clear and only under such circumstances, the petitioners have deliberately chosen not to file the original assignment orders and he would seek for adverse inference being drawn against the writ petitioners.

16. Learned Additional Advocate General would rely on my decision in ***P.Murugesan Vs. State of Tamil Nadu and others in W.P.(MD)No.17900 of 2022 dated 07.02.2025***, where I had found that under the Revenue Standing Orders, power of resumption was available only to the Principal Secretary, Commissioner of Land



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Administration / Government and not any other authority and on that ground of non-competence, I had set aside the order impugned in the said Writ Petition and remitted the matter to the State, through its Principal Secretary, Commissioner of Land Reforms to decide the matter afresh. Learned Additional Advocate General would therefore, submit that the said order can be followed in the present cases as well and the matter can be remitted to the Principal Secretary, Commissioner of Land Reforms for proper and fresh consideration.

17.I have carefully considered the submissions advanced by the learned Counsel for the petitioners and Mr.Veera Kathiravan, learned Additional Advocate General appearing for the official respondents. I have also gone through the materials available on record.

18.Admittedly, the factum of assignment to various persons is admitted and not in dispute. However, the question whether the assignment of lands as Panjamar lands with various conditions or whether it was an assignment of barren lands with regular conditions is the main dispute between the parties.



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19.No doubt, the petitioners in W.P.(MD)Nos.2065, 4407 and 4471 of 2023, have not filed even the copies of the original assignment orders in favour of their respective predecessors in interest. However, it is the categorical case of the petitioners that the assignments were not conditional assignments of Panjamar lands, but only barren lands. The assignments have admittedly been granted by the officials respondents and presuming that the assignments were under Panjamar Land Scheme, the assignments have been cancelled by the first respondent. Therefore, at that relevant point of time, when the first respondent had taken a decision to cancel the assignments, the first respondent ought to have satisfied himself about the nature of assignments in the first place. It is not as if the official respondents are not in a position to produce the assignment orders in respect of the assignments that are subject matter of the Writ Petitions.

20.If really, it is the case of the respondents that assignments were only under the Panjamar scheme, the relevant assignment orders, relevant records could have been easily produced by the respondents and they being put against the writ petitioners justifying the cancellation of the assignments, under the impugned orders. On the other hand, without doing so, the respondents have



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only placed reliance on the conditions which are attached to similar assignment orders relating to assignment of Panjamar lands. As rightly contended by the Counsel for the petitioners, there cannot be a presumption that the original assignments were only under the Panjamar scheme. Instead of calling upon the petitioners to prove the negative, the official records with the authorities could have been placed before the Court, especially when such conditions have been relied on to cancel the assignments. Even otherwise, the issue that falls for consideration is as to whether the assignments could be cancelled belatedly.

21.Insofar as the argument of the learned Counsel for the petitioners that beyond a period of three years, the assignments can never be called in question, I am unable to countenance the said submission. The power of cancellation of assignment beyond the period of three years not being available, can at best, be restricted to cases where there has been suppression of facts or furnishing false information for obtaining the assignment itself and in all such matters, the assignments should be cancelled within a period of three years from the date of assignment. This is the true letter and spirit of G.O.(Ms).No.2555, Revenue Department dated 14.05.1973 as well as Letter No.36741/Ni.Mu.3-1/97-1 dated 15.07.1997. It cannot be contended that even if there is a violation or breach of the



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assignment conditions, the authorities would be toothless to initiate action.

22.For instance, if there is a violation of a condition beyond the period of three years, say in the fifth or sixth year, when an alienation contrary to the condition that the property should not be sold within a period of ten years, then, in such eventuality, it cannot be argued that once the three year period expires, the authorities can never take action even if there is a breach / violation of the assignment conditions. Therefore, the argument of the learned Additional Advocate General in this regard is acceptable and it cannot be said as a blanket Rule that no assignment of land can be cancelled beyond the period of three years. It has to be only on a case to case basis, depending on facts and circumstances of each case.

23.The next question that arises is as to at what point of time the authorities can seek to cancel alleging breach / violation of conditions. It is clear that the principles of estoppel, waiver and acquiescence would clearly come into play. In all these writ petitions, the present writ petitioners are admittedly not the original assignees. There have been alienations and the writ petitioners are only successors-in-interest of the original assignees. The petitioners have



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all been issued pattas by the revenue authorities and their lawful possession therefore, has been confirmed by the State itself. In fact, for several decades together, the assignments have not been called in question, alleging any breach or violation of condition by the original assignee, be it sale within the non-alienable period of 10 years or on the ground that the sale has been made to non-scheduled caste persons.

24.The Hon'ble Division Bench of this Court in ***T.Tirumalai Gounder and another Vs. The State of Tamil Nadu*** reported in ***2010-5-L.W.289***, in a case where the assignment was challenged after a period of 21 years, held that when the assignees had been in continuous possession for several years on the basis of sale of the land by assignee and also mutation of records in favour of the purchaser, it would amount to implied permission of the revenue authorities and thereafter, it would not be permissible to cancel the original assignments on the ground of there being no permission from the revenue authorities for transfer of the assignment.

25.This Court in ***Seriya Pushpam's*** case [referred to supra], placing reliance on G.O.(Ms).No.2555, Revenue Department dated 14.05.1973, conferring powers on higher authorities to cancel assignment, without reference to any time limit, following the ratio



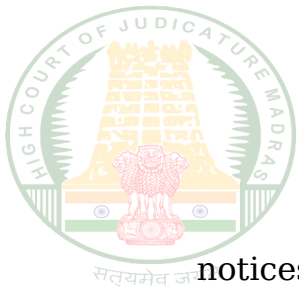
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laid down by this Court in ***Suryakanthi and V.M.Subramanian Vs.***

Board of Revenue and another in W.P.Nos.4350 and 4351 of 1976 dated 06.02.1979 and in W.P.No.906 of 1980 dated 17.06.1986 in the case of ***S.Padmavathi Vs. Secretary to Government and others***, as well as the ***District Collector and others Vs. Elango*** reported in ***2019 SCC Online Mad 28114***, held that the Government Order in G.O.(Ms).No.2555 dated 14.05.1973, would operate prospectively and any assignments prior to issuance of the said Government Order could be cancelled only within a period of three years from the date of assignments. This Court held that the G.O.(Ms).No.2555 dated 14.05.1973, though conferred powers on officials to cancel the assignment without reference to any time limit, in view of the settled legal position, assignments made prior to 1973 can be cancelled only within a period of three years and not thereafter.

26.The learned Additional Advocate General would contend that the ratio laid down in this case would not apply to the facts of the present cases, since the Writ Petition in that case was allowed on the ground of depriving the writ petitioner therein, of a fair and reasonable opportunity, as no notice was issued prior to cancellation of assignment. He would therefore contend, in all the present cases,



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notices were duly issued and opportunity was given to the writ petitioners before the impugned orders of cancellation came to be passed. However, straightaway, on going through the said decision, I find that it is not as if the Writ Petition was allowed only on the ground of violation of principles of natural justice. This Court has referred to various earlier decisions of the Court and held that G.O. (Ms).No.2555 dated 14.05.1973, would operate prospectively and any assignment prior to the issuance of the said Government Order cannot be cancelled after a period of three years from the date of the assignment. The factum of no notice being issued to the petitioner before issuance of the impugned order therein was only an additional factor that was taken note of by this Court. The submission of the learned Additional Advocate General therefore cannot be countenanced.

27. In a later decision in ***Gunasundari's*** case [referred to supra], the Division Bench of this Court again reiterated that it was unreasonable to initiate proceedings for cancellation of assignment on the ground of violation of the assignment conditions, especially when the cancellation was after 12 years of the assignment and third party rights had also intervened in the interregnum period.



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28.Admittedly, in all these cases, the original assignments were prior to G.O.(Ms).No.2555 dated 14.05.1973. Therefore, the ratio laid down in the above case would squarely apply to the facts of the present case. Even on the facts of each of these Writ Petitions, the alleged violation of condition is to have been committed several years back and the alienations made by the original assignees have not been questioned at any point of time. On the contrary, the purchasers have been issued pattas and revenue records have also been mutated in their names. As already held by this Court, in ***Tirumalai Gounder's*** case [referred to supra], when mutation is effected in the name of the alienees, it would amount to permission / consent by the State and in such circumstances, it would not be open to thereafter cancel the assignment, originally made to various assignees on the ground of breach or violation of conditions.

29.This Court has repeatedly held that even though under G.O.(Ms).No.2555 dated 14.05.1973, there is no time limit for questioning the violations of assignment of conditions, by a plethora of judgments, this Court has settled the legal position that the State cannot take its own sweet time to allege breach of conditions and cancel the assignment. Any such violations or breach of conditions would have to be taken note of, within a reasonable time and action



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taken thereon. It is not a case where the respondents can even plead that they were not even aware of the alienations when mutations have been effected in the names of the purchasers and for the past four decades various alienees have been allowed to enjoy the property. Merely because the second respondent in W.P.(MD)Nos. 2065, 4407 & 4471 of 2023 has made a complaint, it will not clothe the first respondent with a right to cancel the original assignments in favour of various assignees, under whom the writ petitioners claim right as on date.

30.Insofar as the order passed by me in W.P.(MD)No.17900 of 2022 dated 07.02.2025, no doubt, I had remitted the matter to be considered afresh, finding that the order of resumption in that case was made by an incompetent authority. In the said Writ Petition, the argument regarding the cancellation of assignment was not placed before me and therefore, there was no occasion for me to test the legality of the cancellation of the assignment order beyond a period of three years from the date of assignment. Hence, reliance placed on the said order passed by me in W.P.(MD)No.17900 of 2022 dated 07.02.2025, would be of no avail to the respondents. Even with regard to the argument of the learned Additional Advocate General that the original assignment orders have not been produced by the writ petitioners, as I have already observed, the respondents could



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have produced the said assignment orders, especially, when it is the first respondent who finds alleged breach of conditions of the assignments, before proceeding to cancel the assignment orders. In any event, in view of the belated cancellation effected by the first respondent, I do not find the non-production of the conditions of assignments even becoming relevant at this point of time.

31.In fact, the Hon'ble Supreme Court in the case of ***Joint Collector Ranga Reddy District Vs. D.Narsing Rao*** reported in ***(2015) 3 SCC 695***, has held as follows:

"31.To sum up, delayed exercise of revisional jurisdiction is frowned upon because if actions or transactions were to remain forever open to challenge, it will mean avoidable and endless uncertainty in human affairs which is not the policy of law. Because, even when there is no period of limitation prescribed for exercise of such powers, the intervening delay, may have led to creation of third-party rights, that cannot be trampled by a belated exercise of a discretionary power especially when no cogent explanation for the delay is in sight. Rule of law it is said must run closely with the rule of life. Even in cases where the orders sought to be revised are fraudulent, the exercise of power must be within a reasonable period of the discovery of fraud. Simply describing an act or transaction to be fraudulent will not



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extend the time for its correction to infinity; for otherwise the exercise of revisional power would itself be tantamount to a fraud upon the statute that vests such power in an authority.”

32.Applying the ratio laid down by the Apex Court to the facts of the present case, it can only be said that the belated action of the assignment orders is nothing but an abuse of power.

33.In fine, all the Writ Petitions are allowed. The impugned orders dated 31.12.2022 in W.P.(MD)Nos.2065, 4407 & 4471 of 2023 are set aside. In W.P.(MD)No.18345 of 2024, the impugned order dated 31.10.2022 is set aside and the respondents 3 and 4 are directed to mutate the revenue records, including patta, in the name of the petitioners as prayed for. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

20.03.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

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To

1.The Commissioner of Land Administration,
Ezhilagam,
Chepauk, Chennai.

2.The District Collector,
O/o. the District Collectorate,
Dindigul District.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Palani, Dindigul District.

4.The Tahsildar,
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P.B.BALAJI., J.

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PRE-DELIVERY COMMON ORDER MADE IN
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