



W.A(MD)No.689 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.A(MD)No.689 of 2025

KR.Lakshminarayanan

... Appellant/Writ Petitioner

vs.

The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

... Respondent/Respondent

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 01.12.2023 made in W.P(MD)No.15249 of 2020 on the file of this Court.

For Appellant : Mr.B.Arun Prasanth

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



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JUDGMENT

(Judgment of the Court was delivered by G.ARUL MURUGAN, J.)

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

2.The intra-court appeal is preferred as against the order dated 01.12.2023 passed in W.P(MD)No.15249 of 2020, whereby the challenge made to the cancellation of the assignment came to be dismissed.

3.Originally, the appellant/writ petitioner was assigned the subject lands on 18.06.1992. 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.



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4.In view of the violation of the conditions of the assignment, proceedings were initiated and the assignment came to be cancelled by order dated 17.07.2019. The writ petitioner challenged the said cancellation by filing a Writ Petition.

5.The writ Court, after finding that the mandatory condition had been violated since the land was not brought under cultivation, dismissed the Writ Petition. Assailing the same, the present Writ Appeal has been preferred.

6.It is the contention of the learned counsel for the appellant that, though the assignment was granted as early as in the year 1992, the conditions incorporated in the assignment had been complied with and there was no violation of the conditions stipulated in the assignment.

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



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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 appellant had not cultivated the lands even for a period of 30 years. Taking note of the position, the assignment came to be cancelled and the writ Court rightly did not interfere with the impugned order and dismissed the Writ Petition.

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

9.It is not in dispute that an assignment was granted in favour of the appellant by order dated 18.06.1992.

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



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11.The enquiry conducted and the impugned order passed by the authorities reveal that the appellant 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.

12.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



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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.

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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.”

13.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 appellant and thereby the authorities have rightly cancelled the assignment.

14.The writ Court rightly interpreted the provisions and after considering the factual aspects, declined to interfere with the impugned order. We find no error, infirmity or grounds warranting interference with



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the order passed by the writ Court. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

[S.M.S.,J.] & [G.A.M.,J.]
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NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

The Revenue Divisional Officer,
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S.M.SUBRAMANIAM, J.
and
G.ARUL MURUGAN, J.

ps

ORDER MADE IN
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DATED : 28.08.2025
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