



W.P.(MD) No.3589 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.3589 of 2025

Sheik Abdullah

... Petitioner

VS.

1.The District Collector,
Pudukkottai District, Pudukkottai.

2.The District Revenue Officer,
Pudukkottai District.

3.The Revenue Divisional Officer,
Aranthangi, Pudukkottai District.

4.The Tahsildar,
Avudaiyarkoil Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to issue patta in favour of the petitioner in respect of the land bearing S.No.126/5, Alathur Village, Avudaiyarkoil Taluk, Pudukkottai District, measuring to an extent of 1.11 acres by considering the representation given by the petitioner dated 28.10.2024 within a time period stipulated by this Court.

For Petitioner : Mr.Selva Adithya
for Mr.G.Prabhu Rajadurai



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For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the respondents to issue patta in respect of the lands in S.No.126/5 in Alathur Village, Avudaiyarkoil Taluk, Pudukkottai District, measuring 1.11 acres, based on the petitioner's representation dated 28.10.2024.

2.Heard the learned counsel on either side.

3.Considering the limited scope of the prayer in the writ petition, with the consent of the learned counsel on either side, the writ petition itself is taken up for final disposal.

4.The petitioner is a purchaser from an assignee from the Government. The assignment is dated 09.12.1969. The petitioner has purchased the property on 19.08.1998 from the assignee.



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5. However, the learned Additional Government Pleader would invite my attention to the fact that the assignment itself was cancelled on 12.08.1987 and therefore, the purchase made by the petitioner on 19.08.1998 cannot be valid in the eye of law.

6. Per contra, the learned counsel for the petitioner would invite my attention to the Judgment of the Hon'ble Division Bench of this Court, where, in identical circumstances relating to the very same cancellation of the assignment order dated 12.08.1987, the Hon'ble Division Bench of this Court upheld the decision of the writ Court, holding that the cancellation order without even putting on notice the interested parties was bad in the eye of law and further held that there was not even a necessity to challenge the said cancellation of the assignment order. In view of the dictum of the Hon'ble Division Bench, which is binding on this Court, the contention of the learned Additional Government Pleader cannot be countenanced. However, the petitioner only seeks for disposal of his representation, which is made for issuance of patta, ignoring the cancellation order dated 12.08.1987.

7. Considering the limited scope of the relief itself prayed by the petitioner, it would be suffice to issue a direction to the respondents to consider the



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petitioner's representation dated 28.10.2024 in the light of the decision of the Hon'ble Division Bench of this Court in W.A(MD)Nos.1201 and 1588 of 2019 dated 08.07.2022 and pass orders in accordance with law, within a period of twelve weeks from today.

5. With the above directions, this Writ Petition is disposed of. No costs.

10.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

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P.B.BALAJI, J.

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