



W.P.(MD)No.5283 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.5283 of 2025

S.Latha

.... Petitioner

/Vs/

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Tahsildar,
Tisayanvilai Taluk,
Tirunelveli District.
- 4.The Special Tahsildar,
Tamil Nadu Backward Classes Economic
Development Department,
Tirunelveli District.
- 5.Selvaraj

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to consider the petitioner's explanation dated 22.05.2024 and further directing the



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fourth respondent not to cancel the assignment of land in her favour with respect to assignment order in Na.Ka.No.Gn9/60896/09 dated 05.2010 with respect to the petitioner's property in Plot No.99, Sy.No.173/1, 176/1 and 178/2B, Thisayanvilai Village, Thisayanvilai Taluk and Tiruenlveli District.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.C.Satheesh
Additional Government Pleader

ORDER

I have heard the learned counsel for the petitioner and Mr.C.Satheesh, learned Additional Government Pleader appearing for the respondents.

2. The learned counsel for the petitioner submits that the petitioner had given his explanation on 22.05.2024 objecting to any cancellation of assignment of land in favour of the petitioner, pursuant to the earlier assignment order dated 05.02.2010.



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3. Mr.C.Satheesh, learned Additional Government Pleader appearing for the respondents, on written instructions, would submit that even as early as on 17.7.2023 in Na.Ka.No.A9/4432 the assignment order in favour of the petitioner has already been cancelled. He would therefore submit that writ petition has to be dismissed.

4. However, considering the fact that the petitioner has not been put on notice about the impugned order, dated 17.07.2023 which only refers to general notice which has been put up in the locality regarding condition violation, namely not putting up construction in the vacant land and subsequently, the petitioner has also given an explanation on 22.5.2024 as to why he could not put up construction and seeking assignment not to be cancelled, the writ petition is disposed of in the following manner:-

(i) The writ petitioner shall make a fresh representation to the fourth respondent, Special Tahsildar to assign suitable plot to the petitioner in lieu of the earlier plot number 99 allotted to him being cancelled in and by the order dated 17.7.2023.



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(iii) The petitioner's request may be considered sympathetically in view of the fact that the earlier assignment was cancelled and the petitioner has also offered his explanation justifying the violation of the condition, namely, not putting up construction over the vacant land within a specific period of time.

(iv) The petitioner shall make a fresh application to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order and there upon, the fourth respondent shall consider and pass orders on the petitioner's application taking an overall view of the above narrated circumstances, within a period of four weeks thereafter.

5. With the above directions the writ petition is disposed of. No costs.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
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