

W.P.(MD)Nos.8802 & 8803 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : **21.03.2025**

Delivered on : **25.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)Nos.8802 & 8803 of 2024

and

W.M.P.(MD)Nos.8023, 8025, 8038 & 8039 of 2024

W.P.(MD)No.8802 of 2024

Sri Balamurugan Salt & Allied
Manufactures Rep. by its Proprietor,
P.Balamurugan
No.31,Emperor Street,
Thoothukudi, Thoothukudi District.

... Petitioner

/Vs./

1. The Additional Chief Secretary and
Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai-600 005.
- 2.The District Collector,
Thoothukudi District,
Thoothukudi -628 101.
- 3.The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.



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4. The Tahsildar,

Vilathikualm Taluk,

Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent Na.Ka. 25393/2010/(D1)-1 dated 04.08.2016 and Na.Ka.25393/2010/(D1)-2 dated 04.08.2016 and quash the same as illegal and consequently direct the first respondent to include the survey numbers 1009/1A, 1009/1B, 1009/2A, 1009/2B, 1010/1A, 1010/1B, 1010/2A, 1010/2B, 1011/1A, 1011/1B, 1011/1C, 1011/2A, 1011/2B, 1011/2C, 955/2, 994/2, 995/2, 995/3, 995/5 in the patta number 922 on the basis of the petitioner's representation dated 22.03.2024 within a time stipulated by this Court.

For Petitioner : Ms.J.Balameenakshi

For Respondents : Mrs.K.Malathi
Additional Government Pleader

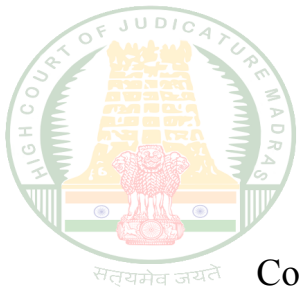
W.P.(MD)No.8803 of 2024

Sri Prema Salt Trading company
Rep. by its Proprietor,
P.Balamurugan
No.25B, Toovipuram Main Street,
Thoothukudi, Thoothukudi District.

... Petitioner

/Vs./

1. The Additional Chief Secretary and



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Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai-600 005.

2.The District Collector,

Thoothukudi District,

Thoothukudi -628 101.

3.The Revenue Divisional Officer,

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4.The Tahsildar,

Vilathikualm Taluk,

Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent Na.Ka. 25393/2010/(D1)-3, 4, 5, 6, 7, 8,9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 35, 39, 40, 41, 43, 44 dated 04.08.2016 and Na.Ka.25393/2010/(D1)-2 dated 04.08.2016 and consequently direct the first respondent to include the survey numbers 1048/1, 2, 3 in patta No.478 in patta No.455, to include the survey numbers 1008/1, 2, 1034/1, 2, 3, 1039/1, 2,3,4 in patta No.435, to include the survey Nos.1038/1, 2, 3,4 patta No.453 and to restore the patta Nos. 488, 449, 510, 452 in favour of the petitioner on the basis of the petitioner's representation dated 22.03.2024 within a time stipulated by this Court.

For Petitioner : Ms.J.Balameenakshi

For Respondents : Mrs.K.Malathi
Additional Government Pleader



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COMMON ORDER

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These Writ Petitions have been filed seeking issuance of Writ of Certiorarified Mandamus, to quash the proceedings on the file of the second respondent dated 04.08.2016 and to consequently, direct the first respondent to include the survey numbers based on patta No.922. (W.P. (MD)No.8802 of 2024) patta No.478, 455, 435 and 453 (W.P.(MD)No. 8803 of 2024) and additionally seeks to restore patta Nos.488, 449, 510 and 452 in favour of the petitioner.

2. In both the writ petitions, the petitioner has given a representation on 22.03.2024 to the authorities. The case of the petitioner in both these writ petitions is that the petitioner is a partnership firm, which was originally started by the father of the petitioner as a partnership firm and after the death of the father, Mr.Petchimuthu, the petitioner and his wife, along with their two sons became partners in the firm and the petitioner firm has been engaged in the business of Salt Manufacturing.



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3. It is also the case of the petitioner that his father, viz., Petchimuthu has purchased the properties in various survey number, totalling in all an extent of 30.45 Acres (W.P.(MD)No.8803 of 2024). The deponent contends that the properties have been purchased from Dhanalakshmi, Nithyakala, Baskar Vincent, Alex, Jeyaselvi and Maharajan, in various survey numbers under registered sale deeds dated 25.04.2005. Subsequent to the purchase, patta has also been mutated in the name of the petitioner in respect of lands, which are subject matter of both the writ petitions. It is the grievance of the petitioner that the lands were originally assigned to about 185 assignees in the year 1988 in proceedings A7/18787/87 dated 20.01.1988 and various assignment orders were issued between 1986 and 1996. Admittedly, patta was issued in favour of the assignees and the assignees were in possession and enjoyment of the subject lands. After completion of 10 years, the assignees have sold the property, after obtaining prior permission from the Tahsildar and even subsequent to the purchase, the Tahsildar has mutated patta in the name of the writ petitioners.

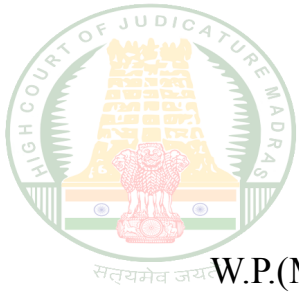


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4. It is the further case of the petitioner that subsequently show cause notices were issued by the third respondent to some of the assignees and the petitioner, who had acquired interest in the subject lands, sent a reply explaining to the second respondent, on 22.07.2016, that has been no violation and that the petitioners are in possession and enjoyment of the lands, paying necessary taxes. However, rejecting the explanation of the petitioners, the second respondent had proceeded to cancel the assignment order issued in favour of the assignees by proceedings dated 04.08.2016.

5. The learned counsel for the petitioner states that the assignments cannot be called in question after a lapse of 29 years and admittedly the petitioners have been able to show that the sale by the assignees was after lapse of 10 years and therefore, there is no breach or violation of the assignment conditions also. On these grounds, the learned counsel for the petitioner seeks the orders impugned in the writ petition to be quashed and suitable directions be issued for inclusion of survey numbers in the respective pattas in both the writ petitioners' names as well as restoration of patta No.448, 449 in respect of the petitioner in



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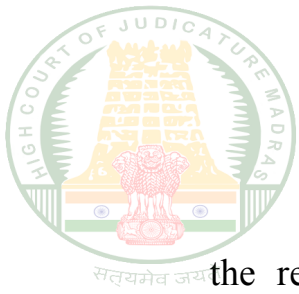
W.P.(MD)No.8803 of 2024

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6. Per contra, the learned Additional Government Pleader, Mrs.K.Malathi, would submit that the impugned orders were passed only on the ground that the assignees did not commence agricultural operations, within the specified time period as contemplated under the assignment conditions and further the property has been alienated in violation of the assignment conditions. Therefore, she would submit that no interference is warranted and seeks for dismissal of the writ petitions.

7. I have carefully considered the submissions advanced by the learned counsel on either side.

8. This Court has repeatedly held that assignments cannot be called in question or cancelled after a long period of time. In ***T.Tirumalai Gounder and another V. State of Tamil Nadu and others*** as well as the Hon'ble Division Bench of this Court in W.A.(MD)No.1272 of 2022 (***K.Chinnapandi V. Alagarsamy***), dated 11.04.2023, the Division Bench as of this Court have clearly held that when the authorities had mutated



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the revenue records in the name of alienees, it is not open to the authorities to cancel the assignment citing violation of conditions, namely, not carrying on agricultural activities or that has been alienation contrary to the assignment conditions.

9. I have also followed the abovesaid ratios, quashing similar cancellation of assignment orders. Therefore, I do not find the impugned orders being sustainable on any ground. In the present case also, the writ petitioners having purchased the lands from the assignees were permitted to mutate the revenue records in their favour. After having done so, the authorities are estopped from cancelling the original assignments, that too so belatedly.

10. The petitioner is entitled to succeed and the orders impugned in this writ petitions are set aside and consequently, W.P.(MD)No.8802 of 2024 included the name of the petitioner and restore the patta within a period of eight weeks from the date of receipt of a copy of this order.



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11. In fine, these Writ Petitions are allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
LS

25.03.2025

TO:-

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Commissioner of Land Administration,
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2. The District Collector,
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P.B. BALAJI, J.

LS

Pre- delivery Orders made in
W.P.(MD)Nos.8802 & 8803 of 2024

Dated:
25.03.2025