BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.A.(MD)Nos.1551 & 1552 of 2021 and
C.M.P.(MD)Nos.6384, 6386 & 6387 of 2021

Jancy Rani ... Appellant / Petitioner
in W.A.(MD)No.1551 of 2021

Thavasilingam @ Thavasilingaraj ... Appellant / Petitioner
in W.A.(MD)No.1552 of 2021

Vs.

1. The Principal Secretary,
Commissioner of Land Administration (FAC),
Chepauk, Chennai – 600 005.

2. The District Revenue Officer,
Tiruchirappalli Collector's Office,
Tiruchirappalli.

3. The Revenue Divisional Officer,
Tiruchirappalli Collector's Office,
Tiruchirappalli.

4. The Tahsildar,
Thiruverumbur Taluk,
Tiruchirappalli District.

5. The Assistant Engineer,
TANGEDCO,
Navalpattu,
Trichy – 26.

6. S.Ramesh Kumar ... Respondents / Respondents in both appeals

Common Prayer: Writ Appeals filed under Clause 15 of Letters Patent, to allow the writ appeals and set aside the orders dated 21.06.2021 passed by this Court in W.P.(MD)Nos.10352 and 10354 of 2021 on the file of this Court.

(in both W.As.)

For Appellant : Mr.J.Bharathan, for Ms.S.Thilagavathy

For R-1 to R-4 : Mr.G.V.Vairam Santhosh, Additional Government Pleader.

For R-6 : Mr.B.Pasanna Vinoth

* * *

COMMON JUDGMENT

Heard both sides.

2. The Tahsildar, Thiruchirappalli issued assignment orders in favour of as many as eight persons vide proceedings dated 10.05.1993. Each of the assignee was given an acre of land in Navalpattu Village. The appellants herein namely, Jancy Rani and Thavasilingam were also among the assignees. On 24.12.2002, three of the assignees Velraj, Jeyaprakash and Kanniammal executed sale deed in favour of Jancy Rani. On the same date, the remaining three assignees namely, Krishnakumar, Murugan and Janaki executed individual sale deeds in favour of Thavasilingam. It appears that the revenue records were also subsequently mutated in favour of Jancy Rani as well as Thavasilingam.

3. These developments attracted the attention of the sixth respondent S.Ramesh Kumar. Ramesh Kumar petitioned the authorities concerned seeking issuance of patta in his favour in respect of the said land. He also filed an appeal before the Revenue Divisional Officer, Thiruchirappalli. The Revenue Divisional Officer, Thiruchirappalli did not accept the claim of Ramesh Kumar. However while disposing of his appeal vide proceedings dated 12.12.2012, the Revenue Divisional Officer, Thiruchirappalli cancelled the assignments made originally. Questioning the order passed by the Revenue Divisional Officer, Thiruchirappalli, Thavasilingam as well as Jancy Rani filed revisions before the District Revenue Officer, Thiruchirappalli. The District Revenue Officer vide order dated 22.06.2013 confirmed the cancellation order passed by the Revenue

Divisional Officer. Thereafter, Jancy Rani and Thasilingam went before the Commissioner of Land Administration, Chepauk, Chennai. The Commissioner of Land Administration vide proceedings dated 04.05.2021 also declined to interfere. Questioning these orders, Jancy Rani filed W.P.(MD)No.10352 of 2021, while Thavasilingam filed W.P.(MD)No.10354 of 2021.

4. The writ petitions were dismissed vide order dated 21.06.2021. Challenging the same, these two writ appeals have been filed.

5. The learned counsel appearing for the appellants pressed into service the decision reported in ***2010-5-L.W. 289 (T.Tirumalai Gounder and another Vs. The State of Tamil Nadu).*** The learned counsel for the appellants submitted that the the Hon'ble Division Bench in the said case had held that when once mutation had been made in the revenue record, violation of the assignment condition cannot be looked into. He submitted that the appellants are also assignees and that therefore, an indulgent view may be taken.

6. Per contra, the learned Additional Government Pleader appearing for the State as well as the learned counsel appearing for the contesting respondents submitted that the impugned order is well reasoned and that it does not call for any interference.

7. We carefully considered the rival contentions and went through the materials on record.

8. We went through the assignment orders dated 10.05.1993. It has been clearly laid down therein that the assignees should not alienate the assigned land for a period of ten years. It contains a further condition that even if the assignees want to alienate after the said period of ten years, they must get prior permission from the Government. In this case, admittedly both conditions have been breached. The assignments were made on 10.05.1993. The purchases made by the appellants took place before the expiry of ten years period. They had purchased the land on 24.12.2002.

9. The only question that calls for consideration is whether the decision rendered in ***Tirumalai Gounder*** case will aid the appellants. In ***Tirumalai Gounder*** case, the assignment was made on 18.10.1959. The assignee sold the land who in turn sold it on

16.03.1966 to one Kandasamy. Thereafter, Tirumalai Gounder purchased the property from him vide registered sale deed dated 16.05.1967. Considering the fact that Tirumalai Gounder was in possession of the property from 1967 continuously, a fresh assignment was made in the year 1991. When this fresh assignment order was cancelled, it was interfered with by the Hon'ble Division Bench.

10. A careful perusal of the factual matrix obtaining in ***Tirumalai Gounder*** case would show that it is completely different. The case on hand is clearly distinguishable. Since the purchase was made by the appellants in clear violation of the assignment conditions, the learned single Judge rightly dismissed their writ petitions. Interference is not called for. These writ appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (M.JOTHIRAMAN, J.)
17th February 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

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   Chepauk, Chennai – 600 005.

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G.R.SWAMINATHAN,J.

AND

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