



W.P.(MD)No.17900 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.17900 of 2022

P.Murugesan

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Principal Secretary,
Commissioner of Land Reforms,
Chennai.

2. The District Collector,
Dindigul District,
Dindigul.

3. The District Revenue Officer,
Dindigul District,
Dindigul.

4. The Revenue Divisional Officer,
Palani, Dindigul District.

5. The Tahsildar,
Ottanchathiram,
Dindigul District.

6. K. Selvi

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No. 15606/2022/D1, dated 15.07.2022 and quash the same as illegal and consequently direct the Respondents No. 1 to 5 to take necessary action regarding illegal transfer of Panchami Land to the 6th respondent by cancel the wrong entries and hand over the property in Survey No. 9/2 in an extent of 5 Acres situated at Kalimanthayam Village, Oddanchatram Taluk, Dindigul District within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.B.Saravanan (R1 - R5)
Additional Government Pleader

No Appearance – R6

ORDER

The writ petition has been filed challenging the impugned order of the 2nd respondent in and by the proceedings in Na.Ka.No. 15606/2022/D1, dated 15.07.2022.



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2. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5 and perused the materials placed before this Court.

3.The learned counsel for the petitioner would take me through the impugned order and submitted that the District Collector/2nd respondent, was not the competent authority to go into the issue. In this regard, he would refer to Sub-Rule (xi) of the Revenue Standing Order 15, according to which, the competent authority is the Principal Secretary, Commissioner of Land Administration / Government and not any other authority and therefore, submitted that on this primary ground, the impugned order has to be set aside.

4.Without going into the merits or the other contentions raised by the petitioner, if I am satisfied that the impugned order is vitiated on the ground of non-competence of the 2nd respondent to inquire and pass orders, the impugned order has to necessarily be set aside with a direction to the competent authority to decide the issue afresh.



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5.Sub-Rule (xi) of the Revenue Standing Order 15 is extracted herein:

“(xi). Resuming authority :-

The authority competent to resume or re-enter on lands for breach of any condition of assignment shall be as follows:

- (a) The Tahsildar, if the land is non-valuable*
- (b) The Revenue Divisional Officer, if the land is valuable and*
- (c) The Commissioner of Land Administration / Government for the lands assigned prior to 14.05.1973.”*

6.In the instant case, admittedly, the land has been assigned on 29.12.1965, ie., prior to 14.05.1973, therefore, in line with Sub-Rule (xi) of the Revenue Standing Order 15, the Commissioner of Land Administration ought to have passed any orders on resumption.



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7. Without going into the merits and leaving the issue whether there has been any breach of condition of assignment, the impugned order is set aside and the matter is remitted to the first respondent to decide the matter afresh, after affording an opportunity to the petitioner to produce all the relevant documents, apart from oral and written submissions. The first respondent shall independently decide the issue of breach of any condition of assignment, without being influenced by any of the observations in the order, dated 15.07.2022.

8. In view of the above, this writ petition is allowed and the impugned order, dated 15.07.2022 is set aside and the matter is remitted back to the first respondent to decide the matter afresh, after affording an opportunity to the petitioner, preferably within a period of 8 weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

07.02.2025

Index : Yes / No
NCC : Yes / No
PNM



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P.B. BALAJI, J.

PNM

ORDER IN
W.P.(MD)No.17900 of 2022
and WMP(MD) Nos.13051 & 13052 of 2022

07.02.2025