



W.P.(MD) No.18957 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.18957 of 2017

and

W.M.P(MD)No.15317 of 2017

1.Periathambi

2.Saravanan

... Petitioners

vs.

1.The District Revenue Officer,
Sivagangai District, Sivagangai.

2.The Sub Collector cum Revenue
Divisional Officer,
Revenue Divisional Office,
Devakottai, Sivagangai District.

3.The Tahsildar,
Taluk Office,
Thiruppathur,
Sivagangai District.

4.S.Kumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pursuant to the first respondent impugned proceedings in Pa.Mu.B4/34/17, dated 22.09.2017 and quash the same.



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For Petitioners : Mr.J.John

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 to R3

No Appearance for R4

ORDER

The petitioners challenge the impugned order of the first respondent in Pa.Mu.B4/34/17, dated 22.09.2017.

2.The grievance of the petitioners is that despite specific directions of the Hon'ble Division Bench of this Court in W.A(MD)No.276 of 2017 dated 28.03.2017, directing the first respondent herein to issue notice to the writ petitioners herein as well as the first respondent in the writ appeal and the fifth respondent in the writ appeal and afford an opportunity of personal hearing to all the parties and thereafter, pass a reasoned order on merits and in accordance with law, the first respondent, without even issuing any notice to the petitioners herein, passed the impugned order.

3.The learned counsel for the petitioners would also invite my attention to the intimation sent by the second petitioner on 20.04.2017 seeking for an



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opportunity to be given to the petitioner. Despite the directions of the Hon'ble Divisional Bench of this Court as well as the personal request made by the second petitioner, the impugned order does not reflect the factum of any notice being issued to the petitioners prior to the orders being passed.

4.Further, the learned counsel for the petitioners has brought to my notice the Judgment of the Hon'ble Division Bench of this Court in ***W.A(MD)No.1483 of 2018, dated 01.02.2019 [The District Collector and another Vs. Elango]*** and also a decision of this Court in ***Seriya Pushpam, Rep. By her power of attorney M.Jayakumar Vs. The Special Commissioner and Commissioner for Land Administration, Chepauk, Chennai & others*** reported in ***2021-1-Writ L.R. 568***, and would contend that the exercise of issuing a direction to the first respondent may be only an exercise in futility since subsequent to the order of the Hon'ble Division Bench of this Court, this Court has consistently held that the assignment cannot be cancelled beyond a period of three years from the date of assignment, especially when such assignment is made prior to 1973.

5.I have gone through the said decisions. Both these decisions came to be rendered pursuant to the directions issued by the Hon'ble Division Bench of this Court, where the petitioners were the appellants themselves. Therefore, it may not



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be proper for me, sitting as Single Judge to overrule the directions issued by the Hon'ble Division Bench of this Court. At the same time, the petitioners are certainly entitled to the benefit of the subsequent Judgments of the Hon'ble Division Bench of this Court, which have also been followed subsequently by the learned Single Judge in 2021 to the effect that the assignments made prior to 1973 cannot be cancelled beyond the period of 3 years from the date of assignment.

6.In such view of the matter, while the first respondent is considering the matter afresh, he shall take into account the ratio laid down by this Court in the above two decisions and thereafter, following the directions of the Hon'ble Division Bench of this Court in W.A(MD)No.276 of 2017, shall take a final decision on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.03.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No



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P.B.BALAJI, J.

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