Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 14-10-2026

Pronounced on : 29-10-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WA No. 1450 of 2024
and
CMP.Nos.10338 of 2024
& 10024 of 2025
CNR: {HCMA010861462024}

T.M.A. Liakath Alikhan (deceased)

1. Nabisath Begam,
   No.6/27, Pedariyar Koil Lane,
   Broadway, Chennai-600 001.

2. L.Mohamed Uzama,
   No.6/27, Pedariyar Koil Lane,
   Broadway, Chennai-600 001.

3. L.Sumaya Begam,
   No.6/27, Pedariyar Koil Lane,
   Broadway, Chennai-600 001.

Petitioners 1 to 3 are Substituted As legal heirs of the deceased Writ Petitioner namely T.M.A. Ligat Alikhan Vide Order dated 10.11.2023 in WMP No. 32055 of 2023

..Appellant(s)

Vs

1. The State Government Of Tamil Nadu
   Rep. by the Secretary,
   Land Acquisition Department,
   Saint George Fort,
   Chennai-600 005.

https://www.mhc.tn.gov.in/judis

WEB COPY

2. The Principal Secretary and Commissioner of
   Revenue Administration and Commissioner of
   Land Administratation,
   Chepauk, Chennai-600 005.

3. The District Collector,
   Sivagangai District, Sivagangai.

4. The Tahsildar,
   Ilaiyankudi Taluk, Sivagangai District,
   Sivagangai.

..Respondent(s)

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent seeking to set aside the order dated 23.01.2024 passed in WP No. 12414 of 2014 and pass such further or other orders

For Appellant(s): Mr.Dalit Tiger C.Ponnusamy

For Respondent(s): Mr.A.Abdul Hameed
Additional Advocate General assisted by
Mr.S.Rishab Narayanan
Government Advocate for R1 to R4

JUDGMENT

(Judgment of the Court was delivered by R.Rajesh Vivekananthan J.)

The present Writ Appeal has been filed challenging the order dated 23.01.2024 passed by the learned Single Judge in W.P.No.12414 of 2014.

2. The case of the appellants is that the property comprised in Survey No.198/12, situated in Kizhaiyur Village, Ilaiyankudi Taluk, Sivagangai District, measuring an extent of 4 acres and 80 cents, comprised in Patta No.804, belonged to the husband of the first appellant and the father of the second and third appellants, namely, late Alisuban. The said patta was issued in his favour

https://www.mhc.tn.gov.in/judis

WEB COPY

by the Deputy Tahsildar, Ilaiyankudi, on 30.07.1987, vide proceedings in R.Dis.D.A.No.53/73.

3. Subsequently, the second respondent, by proceedings dated 15.05.2006 in Na.Ka.No.C-2/33871/99, cancelled Patta No.804 issued by the Deputy Tahsildar on 30.07.1987. Challenging the said cancellation order, late Alisuban filed W.P.No.8497 of 2006 before the Madurai Bench of this Court. The said writ petition was allowed, and the cancellation order was set aside.

4. Thereafter, late Alisuban submitted a representation to the second respondent seeking issuance of patta. As the same was rejected, he preferred an appeal before the competent authority. In the meantime, he filed W.P.No.848 of 2013 seeking a direction to dispose of the appeal. By order dated 31.01.2013, this Court directed the authority concerned to dispose of the appeal. Pursuant thereto, the second respondent, by order dated 17.05.2013, confirmed the order passed by the third respondent. Aggrieved by the said order, late Alisuban filed W.P.No.12414 of 2014. The learned Single Judge dismissed the writ petition by order dated 23.01.2024. Challenging the said order, the present Writ Appeal has been filed by the appellants.

5. The learned counsel for the appellants submitted that the land was classified as Tharisu (uncultivated land) and assignment granted in favour of late Alisuban was cancelled, on the ground that the conditions of assignment

https://www.mhc.tn.gov.in/judis

WEB COPY

had not been complied with, particularly the condition requiring cultivation of the land.

6. The learned counsel further submitted that the original assignee, late Alisuban, had cultivated the land during his lifetime and that, after his demise, the appellants continued to cultivate the same. It was also contended that the appellants had been paying the land revenue without default for the relevant Fasli years. Merely because the land was not cultivated during every Fasli year, it could not be concluded that the assignee had never brought the land under cultivation. It was therefore contended that the learned Single Judge had erred in relying upon the revenue records to conclude that the land had not been cultivated, and the learned counsel prayed for allowing the Writ Appeal.

7. In support of the above submissions, the learned counsel for the appellants relied upon the judgment of this Court in ***K.S. Jarina v. The Commissioner of Land Administration***, passed in ***W.P.(MD).No.9335 of 2013,*** *dated* ***03.08.2022***, wherein it was held that an assignment granted prior to 14.05.1973 could be cancelled only within three years from the date of assignment. The said decision was affirmed by this Court in W.A. (MD).No.1534 of 2023, dated 29.09.2023. Subsequently, the Special Leave Petition filed by the Commissioner of Land Administration in SLP (Diary) No.24511 of 2024 was also dismissed.

https://www.mhc.tn.gov.in/judis

WEB COPY

8. Per contra, the learned counsel for the respondents submitted that the assignment was subject to certain conditions and that the assignee and the appellants had violated two material conditions, namely, the failure to bring the land under cultivation and the transfer of the land without obtaining prior permission from the Government. It was further submitted that, upon enquiry, the authorities found that the land had not been cultivated and that the land had been transferred without the requisite permission. On the basis of these violations, the assignment was cancelled.

9. We have heard the learned counsel appearing for the appellants and the learned counsel appearing for the respondents and perused the materials available on record.

10. The appellants have relied upon the assignment granted in favour of late Alisuban. However, the original assignment order issued in his favour has not been produced before this Court. The appellants have produced the proceedings of the Deputy Tahsildar, which stipulates that the land should be used only for agricultural purposes and that the assignee should abide by the conditions prescribed in Form-D.

11. On the other hand, the respondents have produced the relevant Form-D conditions. Condition No.5 specifically stipulates that the land should be brought under cultivation within three years from the date of assignment.

https://www.mhc.tn.gov.in/judis

WEB COPY

Condition No.6 further provides that the assignee and his legal heirs should personally undertake cultivation of the land. The conditions also provide that, in the event of any breach, the assignment is liable to be cancelled without payment of compensation. These conditions are stated to have been imposed in accordance with Board Standing Order No.15. The authorities concerned have categorically found that the original assignee failed to comply with the conditions of assignment and that the assignment was liable to be cancelled on that ground.

12. The learned Single Judge called for and examined the Adangal register relating to the property. The entries in the Adangal register indicate that the land continued to be classified as *Tharisu* and that there was no recorded evidence of cultivation from the date of assignment till the date of consideration of the matter. The learned counsel fairly conceded that the revenue records did not reflect the actual cultivation carried out by the assignee or the appellants. Even before this Court, the appellants have not produced any documentary evidence to establish that the land had been brought under cultivation, as required by the conditions of the \assignment.

13. The appellants have placed reliance upon the judgment in ***K.S. Jarina v. The Commissioner of Land Administration***. However, the said decision is different on the facts and circumstances of the present case. The appellants have failed to establish compliance with the conditions governing

https://www.mhc.tn.gov.in/judis

WEB COPY

the assignment. When the conditions of assignment have been violated, the Government is entitled to take appropriate action in accordance with the applicable rules and conditions of assignment. In the facts of the present case, we find no ground to interfere with the cancellation of the assignment. In view of the foregoing discussion, we find no infirmity in the order passed by the learned Single Judge warranting interference by this Court.

14. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S.,J.) (R.R.V.,J.)
29-10-2026

Index: Yes
Speaking
Neutral Citation: Yes/No

KKN

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1. The Secretary,
   State Government Of Tamil Nadu
   Land Acquisition Department,
   Saint George Fort,
   Chennai-600 005.

2. The Principal Secretary and Commissioner of
   Revenue Administration and Commissioner of Land Administratation,
   Chepauk, Chennai-600 005.

3. The District Collector,
   Sivagangai District, Sivagangai.

4. The Tahsildar,
   Ilaiyankudi Taluk, Sivagangai District,
   Sivagangai.

https://www.mhc.tn.gov.in/judis

WEB COPY

S.M.SUBRAMANIAM, J.
AND
R.RAJESH VIVEKANANTHAN, J.

KKN

WA No. 1450 of 2024

29-10-2026

https://www.mhc.tn.gov.in/judis