



WEB COPY

WP No. 40016 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

**WP No. 40016 of 2024
and
WMP.No. 43308 & 43309 of 2024**

M/s.Almco Properties Pvt. Ltd.,
Represented by its Director Viz
A. Ignatius Emerald Prabahar,
Having Office at Flat No T-3,
3rd Floor, Bliss Homes, Plot Nos. 18 & 19,
R.E. Nagar, 1st Main Road,
Okkiyam Thoraipakkam, Chennai 600 097.

..Petitioner(s)

Vs

1. The District Collector,
Coimbatore District, Coimbatore.
2. The Sub Collector,
Pollachi.
3. District Registrar,
Coimbatore South, Coimbatore.
4. Tahsildar,
Kinnathukadavu, Coimbatore.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of writ of certiorarified mandamus, calling for the records of the 1st respondent in Na.Ka.No.23 / 2023 / A2 dated 21.10.2024 and quash the same.



For Petitioner(s):

M/s.M.R.Dhalapathy Vignesh Kumar,
B. Archana, K. Lakshana

For Respondent(s):

Mr.C.Gauthamaraj
Government Advocate**ORDER**

Challenge was made against the impugned order passed by the 1st respondent dated 21.10.2024, cancelling the assignment.

2. The learned counsel appearing for the petitioner would submit that by virtue of the impugned order, the original assignment of the subject land made on 01.09.1929 was cancelled by the 1st respondent / District Collector. According to the petitioner, the 1st respondent / District Collector has no authority to pass the present impugned order in terms of the provisions of RSO-15(2)(xi). By referring the said provision, he would submit that in the present case, since the land was assigned as early as on 01.09.1929, the competent authority to resume the land is only the Commissioner of Land Administration, who has been vested with powers to resume the land by cancelling the assignment, if there is any breach of terms and conditions of the assignment, which was made prior to 14.05.1973. Though very many grounds were raised by the petitioner in the present case, the learned counsel mainly argued on the aspect of the jurisdiction of the 1st respondent to pass the impugned order. According to the petitioner, the 1st respondent has no authority



to pass the impugned order and, the authority concerned to pass the order cancelling the assignment is only the Commissioner of Land Administration in terms of RSO-15. Hence, the present writ petition is filed.

3. The learned Government Advocate appearing for the respondents would submit that in terms of G.O.Ms.No.2555 dated 14.05.1973, the Collector has provided authority to resume the land therefore, in terms of the said Government order, the impugned order was passed by the 1st respondent / District Collector.

4. In reply, the learned counsel appearing for the petitioner would submit that as far as the said G.O.Ms.No.2555 is concerned, it would apply only in the case of revision of the order passed by the Tahsildar as well as the Revenue Divisional Officer. If any assignment was made illegally by Tahsildar or Revenue Divisional Officer, in such cases, the Collector has power to review the order and cancel the assignment made by the Tahsildar or Revenue Divisional Officer in terms of RSO-15-18.

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the material available on record.

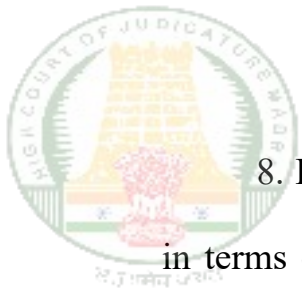


6. Now the issue is whether the Collector has power to cancel the assignment and resume the land when the assignment was made prior to 14.05.1973. Before answering the said issue, it is relevant to extract the RSO-15(2)(xi) wherein, the resuming authority defined as follows:

“(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 nonvaluable;*
- (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.”*

7. From the reading of the above definition, it is clear that in the event if any land is assigned prior to 14.05.1973, the authority concerned to resume the land is only the Commissioner of Land Administration and the Collector has not been provided any power to resume the land. In terms of G.O.Ms.No.2555, the Collector has been given power only to pass a revisional order to cancel the assignment, if any, made by the Tahsildar or the Revenue Divisional Officer illegally. In the present case, the reason assigned by the Collector for cancellation of the subject assignment was that breach of terms and conditions. Therefore, in terms of the provisions of RSO-15(2)(xi), only the Commissioner of Land Administration alone has power to resume the land, in the event if the assignment was made on or before 14.05.1973.



8. In the present case, the assignment was made on 01.09.1929 therefore, in terms of Sub-clause (xi) defining 'Resuming Authority', the Commissioner of Land Administration alone has power to resume the land and he can pass the order. However, the impugned order was passed by the Collector, who has no power to resume the land which was assigned prior to 14.05.1973. Therefore, the impugned order passed by the 1st respondent / District Collector is not under the provisions of law and the same is liable to be quashed.

9. Accordingly, this Writ Petition is allowed, quashing the impugned order passed by the 1st respondent / District Collector dated 21.10.2024. No costs. Consequently, connected miscellaneous petitions are closed.

28-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KKN



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KRISHNAN RAMASAMY, J.

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To

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