

(2011) 06 MAD CK 0450

In the Madras High Court

Case No : Writ Petition (MD) . No. 6233 of 2008 and M.P. No. 2 of 2008

L.N.Valliammai

APPELLANT

Vs

The Sub Collector

RESPONDENT

Date of Decision : 10-06-2011

Acts Referred:

Citation : (2011) 06 MAD CK 0450

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : V. Ramajegadeesan, for the Appellant; S. Bharathi, Government Advocate, for the Respondent

Judgement

D. Hariparanthaman, J.—One K.Noorjahan, M.Chellakannu, K.R.Alagappan and G.Periyanayaki were assigned lands by the Tamil Nadu Government in Survey Nos. 244/14, 244/9, 244/8 and 244/5 to an extent of 0.63.5 Hectares, 0.40.5 Hectares, 0.40.5 Hectares and 0.40.5 Hectares respectively at Thiruvelangudi Village, Karaikudi Taluk, Sivagangai District being those persons are landless poor. While lands were assigned, certain conditions were imposed. The Respondent passed the impugned order in R.C. No. A3/10631/2006, dated April 2008 cancelling the afore-said assignment on the ground that these assignees did not comply with the conditions. But, in the meanwhile, it seems that the assignees sold the lands to some third party. That third party also sold the land subsequently to the writ Petitioner. As per the conditions of the assignment, the assignees should not sell the lands without the approval of the competent authority. Further, assignees did not cultivate the land as per the conditions of the assignment. In these circumstances, the assignment was cancelled. The subsequent purchaser/the writ Petitioner, has chosen to file the writ petition.

2. Though the learned Counsel for the Petitioner has raised various contentions, I am not going into the merits of those contentions since I am dismissing this writ petition on the question of maintainability. The writ Petitioner could not challenge the cancellation of assignment and the proper person to challenge the

assignment is only the assignee whose assignment was cancelled.

3. At this juncture, the learned Counsel for the Petitioner seeks liberty to approach the appropriate forum to question the cancellation of assessment. It is left open to the Petitioner to agitate in proper forum, if law provides. The writ