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(2011) 06 MAD CK 0451

Madras High Court (Madurai Bench)

Case No: Writ Petition (MD) . No. 6232 of 2008 and M.P. No. 1 of 2008

K.R. Lakshmi Narayanan	APPELLANT
Vs	
The Sub Collector	RESPONDENT

Date of Decision: June 10, 2011

Hon'ble Judges: D. Hariparanthaman, J

Bench: Single Bench

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

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

D. Hariparanthaman, J.
One S.P.Andiappan, S.Elango and M.Jyothimani were assigned lands by the Tamil Nadu Government in Survey Nos. 244/12, 244/11 and 244/4 to an extent of 1.02.0 Hectares, 0.40.5 Hectares and 1.00.0 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 petition is dismissed in the above terms.