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W.P.No.25159 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.09.2023

PRONOUNCED ON : 20.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25159 of 2017

and

W.M.P.Nos.26596, 26597 of 2017 & 2724 of 2019

Mrs.K.Anbukkarasi

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep by its Principal Secretary and
Commissioner of Land Administration,
Chepuak,
Chennai – 600 005.

2.The District Revenue Officer,
Villupuram,
Villupuram District.

3.The Revenue Divisional Officer,
Villupuram,
Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent dated 28.03.2017 passed in R.O.C.No.G1/16264/16 and



quash the same and direct the respondents 2 to 3 to remove the entries made in the Revenue Records pursuant to the above impugned order and mutate the name of the petitioner therein.

For Petitioner	: Mr.V.Ramesh For Mr.G.Krishna Kumar
For Respondents	: Mr.V.Arun Additional Advocate General

ORDER

The present writ petition is filed challenging the order dated 28.03.2017 passed by the Commissioner of Land Administration, Chennai and to direct the respondents 2 and 3 to remove the entries made in the revenue records.

PETITIONER'S CASE:

2. The petitioner states that her father Mr.Kangeyan purchased an extent of 8.13 acres of land in O.S.No.424, New Survey Nos.41/1, 41/2 and 41/3 Ozhithiyampattu Village, Vanur Taluk, Villurpuram District from the legal heirs of one Periyasamy during the period 2002 to 2015. The Subject



land absolutely belonged to Mr.Periyasamy and Patta No.370 was standing in his name. Mr.Periyasamy died in the year 1977 leaving behind his sons Murugesan, Ramu and Varanamuthu as his legal heirs. The said Varanamuthu also passed away leaving behind his sons Sivanandan, Duraikannu, Kamalakannan and Jeyakumar as his legal heirs. Subject properties were partitioned between the legal heirs of Mr.Periyasamy vide Partition Deed dated 12.11.1998 registered as Document No.3780 of 1998. Mr.Periyasamy was the owner of the property to an extent of 8.13 acres.

3. The father of the writ petitioner after perusing the documents, title deeds, revenue records etc., purchased the subject property. The father of the writ petitioner purchased the property in the name of the petitioner to an extent of 7.94 acres. The petitioner settled the property to an extent of 4.15 acres in favour of one Devanayagam.

4. One Mr.Durai Shankar claiming to be the Power Agent of Mr.Balakrishnan preferred a complaint on 10.08.2016 to the National Commission for Schedule Caste, stating that the subject land was a Government land assigned to Panchamar Community and is now occupied



by other community people. He requested for necessary action to resume the subject land from the present holder and reassign it in favour of eligible beneficiaries. The National Commission for Scheduled Caste directed the 1st respondent / Commissioner of Land Administration to take appropriate action in respect of the holding of the subject property. The 2nd respondent submitted a report on 13.10.2016 to the 1st respondent stating that the subject land measuring to an extent of 8.13 acres comprised in Old Survey No.424 was reserved for conditional assignment and it was assigned to one Mr.Rathinam as per the proceedings dated 17.03.1928 bearing No.308/37. Necessary entries were made in the Conditional Assignment Register maintained in the Taluk. The legal heirs of the original assignee have sold the lands to the people of other communities and thereafter, further transfers were made. The petitioner filed objections setting out the facts and circumstances. The 1st respondent passed the order impugned in proceedings dated 28.03.2017, which is now under challenge in the present writ petition.

5. The learned counsel for the petitioner mainly contended that even as per the respondent the assignment was made in the year 1928 and the property assigned originally was subsequently transferred to many people



and at this length of time the respondents cannot resume the land, since the land vested with the original assignee, which was transferred. The 1st respondent failed to note that under the Panchami Land Act, it is mandatory that the classification of the land must stand reflected in column 12 and 13 of the A Register. In the absence of the land being classified as Panchami Land, DC Land, Conditional Land or Assigned Land or Inam Land or Anadhinam Land or Adidravidar Land, the 1st respondent cannot pass the impugned order merely based on presumption and assumption.

6. The A Register was prepared in the 1920 and after re-survey it was prepared in the year 1980, there is no classification that the land is a Panchami Land. Therefore, the impugned order is to be set aside. The extract of the Tax Assessment Register relating to Ozhithiyampattu Village issued by the Zonal Deputy Tahsildar, Vanur dated 25.10.2010 discloses under Column 4 therein that the subject property is a ryotwari punja land and the name of Mr.Periyasami is mentioned in Column 11. Column 12 does not contain any classification.



7. The learned counsel appearing on behalf of the petitioner relied on Section 10 of the Transfer of Property Act, 1882 and contended that the transfer made by the original assignee cannot be subjected to cancellation at this length of time and after several decades.

CONTENTIONS OF THE RESPONDENTS:

8. The 1st respondent / Commissioner of Land Administration, Chennai elaborately narrated the entire facts and circumstances in the counter affidavit and filed the relevant document by way of typed set of papers. The land in Old Survey No.424 in Ozhithiyampattu Village, then Tindivanam Taluk had been reserved for depressed class people as per composite South Arcot District Gazette Supplement No.9 (தென் ஆற்காடு ஜில்லா கெஜெட் ஸப்ளிமென்ட்) dated 25.09.1929. It was clearly stated that this land is reserved for the depressed class people. The copy of the South Arcot District Gazette is annexed for ready reference.

9. The land in Old Survey No.424 of Ozhithiyampattu Village measuring to an extent of 8.13 acres was assigned in favour of Thiru. Rathinam, under the special scheme of assignment of land to DC people,



vide conditional assignment No.308/37 dated 17.03.1928 and necessary entries have been made in the conditional assignment register maintained at Revenue Divisional office. In the 10(1) Chitta of fasli year 1370(1978), the land was registered under patta No.370 in favour of Rathinam, Periyasamy, Srinivasan and Sengeni Ammal. In adangal for the fasli 1378(1968), the land was registered in favour of Periyasamy. Subsequently, during the Re-Survey conducted in the year 1971 to 1979, the land was registered as R.S. No.41 with an extent of 3.25.0 Hectare under patta No.336 in favour of S. Periyasamy. Further, as per [D.K.No.8A 103/1409](#) dated 27.10.1999, the said land had been subdivided and registered under separate patta Nos. 28, 894 and 336 in favour of Thiru.P.Ramu S/o Periyasamy, P. Murugesan S/o Periyasamy and S.Periyasamy S/o Sengeni respectively. Thereafter, the legal heirs of Thiru. Periyasamy among the other patta land owners have sold out the entire extent of assigned land (8.13 acres) in favour of minor Anbukkarasi (NON-SC) Daughter of Kangeyan under various registered documents during the year from 2002 to 2015. Based on the registered documents necessary name transfer in the registry of revenue has been carried out by Tahsildar, Vanur.



10. While things being so, one Thiru. D.Durai Shankar son of Duraikannu, has represented to the National Commission for Scheduled Caste, that the above land assigned to panchamar community in Ozhithiyampattu Village have been occupied by other community people and transfer of registry have also been made in the revenue records. The National Commission for Schedule Caste directed to submit the facts and information along with action taken report. Therefore, the first respondent directed the District Collector Viluppuram to investigate this matter and directed to furnish detailed report covering the facts and action taken.

11. The District Revenue Officer, Villuppuram has examined in detail with reference to rule provision made under RSO, 15-41(4) (iii) and RSO 15-18. And the allegations made by Thiru. D.Duraisankar was enquired and it was found that there are violation of conditions noticed in respect of conditional assignment given to Scheduled Caste people in Ozhithiyampattu Village, Vanur Taluk of Villuppuram District. The District Revenue Officer Viluppuram has sent a proposal for cancellation of conditional assignment of land measuring an extent of 3.25.0 hectare (8.13 acres) made in favour of



Thiru. Rathinam in survey number 41/1, 41/2, 41/3 (old survey number 424)
for violation of conditions.

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12. Based on the proposal received from the District Revenue Officer, Villupuram for cancellation of assignment of land made in S.No.41/1, 41/2 and 41/3 the enquiry has been taken up after affording ample opportunities to the affected parties concerned. Hearing notices have been served to the Anbukkarasi on 04.01.2017 and arguments of the applicant and affected parties were heard on various occasions viz 17.11.2016, 01.12.2016, 15.12.2016, 04.01.2017, 31.01.2017, 27.02.2017 and 14.03.2017 and their statements were recorded.

13. From the enquiry, it was found that the land in question was undoubtedly depressed class lands reserved for assignment to SC people for the upliftment of their social status. As per the conditions of assignment under the special schemes, the assigned land should not be transferred or conveyed in favour of Non - DC people at any point of time. But, in the instant case, a portion of the assigned land was also conveyed to Thiru. Sambasiva Reddy, who belongs to NON- DC Community in the year 1960



which itself is in violation of condition of assignment. During the year from 2002 to 2015 the land had been purchased by Thiru. Kangeyan on behalf of his minor daughter Anbukkarasi through registered documents in violation of conditions as noted above. In view of the above findings, the 1st respondent as per the provisions made under para 15 - 41(3) of RSO read with provisions made in para 15-3(2) XI of RSO the assignment made in favour of Thiru. Rathinam for the land measuring an extent of 3.25.0 Hectare in S. No.41/1, 41/2, 41/3 (an extent of 8.13 acres in old S.No. 424) of Ozhithiyampattu Village, Vanur Talk, Viluppuram District has been cancelled and directed the District Revenue Officer, Villupuram to resume the land from the occupiers and restore the same as Government Possession and also directed to take necessary action to cancel the entries made in revenue records in favour of Tmt. Anbukkarasi D/o Kangeyan for fresh assignment in favour of eligible persons who belong to DC Community.

14. Based on the order of Commissioner of Land Administration, patta owners name in survey number 41/1 (0.91.0 Hectares), 41/2 (0.77.0 Hectares) and 41/3 (1.57.0 Hectares) have been cancelled by the Revenue Divisional Officer Viluppuram vide TR 2017/0109/07/000022, TR



2017/0109/07/000023 and TR 2017/0109/07/000024 dated 26.07.2017 and restored the property as under Government Possession. Copy of the computerized revised A - Register is annexed for ready reference.

15. The 1st respondent gave ample opportunity to all the parties concerned and perused all the records. In all the stages of enquiry, ample opportunity was given to the petitioner to submit her objection. It is clearly mentioned in the conditional assignment dated 27.10.1999 that the violation of condition will amount to cancellation of the assignment automatically. It is the fact admitted by the petitioner herself that the land is assigned to Rathinam, who belongs to Scheduled Caste and the assignment is a conditional one. The transfer of patta in favour of the petitioner or her predecessor will not confer any right to protect her purchase and subsequent purchases, if any which would be an invalid one. The petitioner became the owner of the property by way of different sale deed, this will not confer any title to her since the original condition is itself violated and the assignment is deemed to have been cancelled on the day when the transfer has been made. The petitioner cannot claim that almost 19 transactions were made over the disputed property and hence her title has to be treated as genuine



one. As regards the averment in the petition that patta No.370 was kept in the name of Kangeyan (belongs to MBC) as he purchased it from Rathinam, it is well settled proposition that patta will not confer any title in favour of a person, also the issuance of patta is intended only to collect revenue (Kist). And simply that the patta has been transferred in the name of a person will not amount to conferment of title by the Government. The averments of deviation of the title by the petitioner through various person is immaterial for the present Writ Petition. The basic condition of the assignment has been violated and the petitioner cannot derive any title. The averment of the petitioner that the partition deed was executed on 12.11.98 under doc. No. 3780/1998 and based on that deed, that patta has been transferred in the name of the sharers is immaterial. As already submitted, the standing of patta in one person's name is only for the purpose of collection of land revenue, it does not confirm any title of a person. The partition or sale deed relied on by the Writ Petitioner is not binding upon the respondents even though several transactions are made and such Partition / Sale deeds will not prevent the government from cancelling the conditional assignment for violation. The basic principle that "Let the buyer be aware" is the answer for the entire objections raised by the Writ Petitioner. "Ignorantia legis neminem



excusat” is a legal principle to be strictly applied in this case. The Writ Petitioner ought not to have purchased the property, since it is a Panchami Land.

LEGAL PRINCIPLES:

16. In the case of ***R.Chandevaram Vs. State of Karnataka*** reported in ***(1995) 6 SCC 309***, wherein paragraphs 6 and 8 reads as under:

“6. Having given our anxious consideration to the respective contentions, the first question that arises for determination is what would be the nature of the right given to the assignee Dasana Rangaiah Bin Dasaiah. Article 39(b) of the Constitution of India envisages that the State shall in particular direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good. Admittedly, Scheduled Castes and Scheduled Tribes are the weaker sections of the society who have been deprived of their economic status by obnoxious practice of untouchability and the tribes living in the forest area far away from the civilised social life. To augment their economic status and to



bring them on a par into the mainstream of the society, the State with a view to render economic justice envisaged in the Preamble and Articles 38 and 46 of the Constitution distributed the material resources, namely, the land for self-cultivation. It is an economic empowerment of the poor. It is common knowledge that many a member of the deprived classes live upon the agriculture either by cultivation on leasehold basis or as agricultural labour. Under these circumstances, the State having implemented the policy of economic empowerment to do economic justice assigned lands to them to see that they remain in possession and enjoy the property from generation to generation.

8. It was, therefore, held that the State is enjoined to provide adequate means of livelihood to the poor, weaker sections of the society, the dalits and tribes and to distribute material resources of the community to them for common welfare etc. Therefore, civil, political, social, economic and cultural rights are necessary to the individual to protect and preserve human dignity, social and economic rights are sine qua non concomitant to



assimilate the poor, the depressed and deprived, i.e., the dalits and tribes in the national mainstream for ultimate equitable society and democratic way of life to create unity, fraternity among people in an integrated Bharat. Property is a legal institution the essence of which is the creation and protection of certain private rights in wealth of any kind. Liberty, independence, self-respect, have their roots in property. To denigrate the institution of property is to shut one's eyes to the stark reality evidenced by the innate instinct and the steady object of pursuit of the vast majority of people. The economic rights provide man with freedom from fear and freedom from want, and that they are as important if not more, in the scale of values. The effect of social and economic legislation was held thus:

“In fact, the cumulative effect of social and economic legislation is to specify the basic structure. Moreover, the social system shapes the wants and aspirations that its citizens come to have. It determines in part the sort of persons they want to be as well as the sort of persons they are. Thus an economic system is not only an institutional device for satisfying existing wants



and needs but a way of creating and fashioning wants in the future. The economic empowerment, therefore, to the poor, dalits and tribes as an integral constitutional scheme of socio-economic democracy is a way of life of political democracy. Economic empowerment is, therefore, a basic human right and a fundamental right as part of right to live, equality and of status and dignity to the poor, weaker sections, dalits and tribes.”

The prohibition from alienation is to effectuate the constitutional policy of economic empowerment under Articles 14, 21, 38, 39 and 46 read with the Preamble of the Constitution. Accordingly it was held that refusal to permit alienation is to effectuate the constitutional policy. The alienation was declared to be void under Section 23 of the Contract Act being violative of the constitutional scheme of economic empowerment to accord equality of status, dignity of persons and economic empowerment.”

17. In the case of ***Papaiah Vs. State of Karnataka*** reported in **(1996)**

10 SCC 533, wherein, the Apex Court held as follows:

“8. It is seen that Article 46 of the



Constitution, in terms of its Preamble, enjoins upon the State to provide economic justice to the Scheduled Castes, Scheduled Tribes and other weaker sections of the society and to prevent their exploitation. Under Article 39(b) of the Constitution, the State is enjoined to distribute its largess, land, to subserve the public good. The right to economic justice to the Scheduled Castes, Scheduled Tribes and other weaker sections is a fundamental right to secure equality of status, opportunity and liberty. Economic justice is a facet of liberty without which equality of status and dignity of person are teasing illusions. In rural India, land provides economic status to the owner. The State, therefore, is under constitutional obligation to ensure to them opportunity giving its largess to the poor to augment their economic position. Assignment of land having been made in furtherance thereof, any alienation, in its contravention, would be not only in violation of the constitutional policy but also opposed to public policy under Section 23 of the Contract Act, 1872. Thereby, any alienation made in violation thereof is void and the purchaser does not get any valid right, title or interest thereunder.



It is seen that Rule 43(8) specifically prohibits alienation of assigned land. It does not prescribe any limitation of time as such. However, it is contended that the appellant has obtained land by way of sale in 1958 long before the Act came into force and thereby he perfected his title by adverse possession. We find no force in this contention.”

18. In the case of ***Sisili Ammal Vs. Sundararaja Naidu*** reported in (***AIR 1946 Mad 52***), this Court while dealing with a condition, similar to the one contained in clause (9) under the Crown Grants Act, 1895 held that though such a condition would be invalid if the grant was made by a private individual, the condition was perfectly valid in the case of a Crown grant. It was held by the Bench that the prohibition against alienation was not violative of the provisions of the Transfer of Property Act.

To Substantiate the Contentions, the Respondents Have Filed the Following Documents:

19. Re-survey and Resettlement Register for the Old S.No.424 dated 11.12.1920 filed by the respondent reveals as follows:



1	2	3	4	5	6	7	8	9	10	11	12	13			
24	...	181A ...	G	D	...	...	8-5	8	0	13	8	13	6	10	தரிசு

Revenue Settlement Officer, Party No.II,
Cuddalore, 11th December 1920.

U.Manjappah,
Special Assistant Settlement
Officer in Charge

20. South Arcot Zilla Gazatte Supplement (Reg.No.340 dated September, 1929) enumerates the land reserved for Depressed Class people in various Villages. In the said document Ozhithiyampattu Village has been included and Survey No.424 is also found in the said document.

ஒழுந்தியாம்பட்டு கிராமம்

423-1	18.89	425	7.30
424	8.13	426	16.28

21. Chitta extract from Conditional Register for Survey No.424 has been enclosed, which reveals that the subject land in Survey No.424 measuring to an extent of 8.13 acres is a conditional assignment. The name of the original assignee Mr.Rathinam is also mentioned.

22. 10(1) Chitta for the Fasli year 1370, 10(1) Chitta for the Fasli Year 1375, 10(1) Chitta for the Fasli 1381 are filed before this Court. All



the Chitta Registers reveals that Mr.Rathinam, who belongs to Depressed Class Community was assigned Government land to an extent of 8.13 acres in Survey No.424 at Ozhithiyampattu Village.

23. The Government issued G.O.Ms.No.2555, Revenue Department dated 14.05.1973 contemplating the procedures for cancellation of violation. The powers are delegated to the Revenue Divisional Officer and that the Collectors are empowered to cancel or modify the orders of the assignment made by the Tahsildar or Revenue Divisional Officer **without any time limit.**

24. Adangal extract for Fasli year 1987 indicates the descriptions of the assigned land and the name of the legal heirs of the original assignee Mr.Rathinam has been mentioned.

25. The Government issued circular regarding cancellation of land assignment on 15.07.1997. Accordingly, the Government delegated powers to cancel assignments in the event of violation of conditions or irregular and illegal assignment are made. The power of cancellation of assignment is



directed to be exercised under Revenue Standing Order (RSO) 15. The Sub division sketch dated 16.11.1999 is produced by the respondents. As per the proceedings of the Tahsildar, Vanur, the legal heirs of Mr.Periyasamy are included in respect of the assigned lands.

26. In view of the fact that the conditional assignment has been violated and it is brought to the notice of this Court that the Commissioner of Land Administration through National Commission for Schedule Caste based on the complaint given by one Mr.Durai Shankar. The Commissioner of Land Administration conducted an enquiry and invited report from the Subordinate authorities. The Commissioner of Land Administration in the impugned proceedings dated 28.03.2017 elaborately considered the history of the case. The complaint of Mr.Durai Shankar was taken note of and the petitioner was afforded with an opportunity, who in turn submitted her defence statement, which was considered by the Commissioner of Land Administration. Statements of the Revenue Officials were recorded. The Statement of Mr.Bala Krishnan son of Mr.Periyasamy was also recorded. The findings made by the Commissioner of Land Administration reveal that the assigned properties were transferred in favour of the other community



people, which amounts to violation of the conditions imposed and in violation of the Revenue Standing Orders.

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27. The 1st respondent based on the documents and evidence and by considering the defence made by the subsequent purchasers, held that it is evident from the chronological events narrated, the land in question was undoubtedly Depressed Class lands reserved for assignment to Schedule Caste people for the upliftment of their social status. As per the conditions of the assignment under the Special Schemes, **the assigned land should not be transferred or conveyed in favour of non DC people at any point time.** But in the present case a portion of the land was conveyed to Thiru. Sambasiva Reddy, who belongs to a caste Hindu Community in the year 1960, which itself is in violation of conditional assignment. However, the said piece of land has been repurchased by the family members of the original assignee in the same year itself. During the year 2002 to 2015 the subject land had been purchased by Thiru.Kangaiyan on behalf of minor daughter Mrs.K.Anbukkarasi / Writ petitioner through registered documents in violation of the condition of assignment. Since the condition of assignment is violated as noted above, it is necessary to cancel the



assignment and resume the land from the present occupier for reassignment in favour of eligible person from Depressed Class Community.

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28. The Commissioner of Land Administration relied on para 15-41(3) of the RSO read with provisions made in 15-3(2) XI of RSO and accordingly, cancelled the assignment and directed the District Revenue Officer to resume the land from the occupiers and restore the same for the Government possession.

29. Pursuant to the orders issued by the Commissioner of Land Administration necessary actions were taken by the Revenue Divisional Officer, Villupuram for correcting the A Register and to restore the Government land. Accordingly, corrections were made by the Revenue Divisional Officer in proceeding dated 17.04.2022. Further, consequential corrections were made in the UDR A Register, Adangal, Manual Chitta and in the FMB.

30. The records right from the year 1920 have been produced before this Court and the learned Additional Advocate General appearing on behalf



of the State coherently referred the documents and established that the Government land reserved for the benefit and to protect the livelihood of the Schedule Caste community people was assigned in favour of Mr.Rathinam and subsequently, the said DC lands were transferred in violation of the assignment conditions during the year 2002 to 2015.

FINDINGS:

31. In the present case, Old Survey No.424 in Ozhithiyampattu Village then Dindivanam Taluk had been reserved for Depressed Class people. The ground raised by the petitioner that it was not classified as Panchami Land is irrelevant, since it is a conditional assignment of DC land made in favour of one Mr.Rathinam and the legal heirs of Mr.Rathinam were transferred to non-DC communities persons, despite the fact that the conditions stipulate that the land cannot be transferred to other community people at any point of time. Admittedly, the legal heirs of the original assignee transferred the lands in favour of other community people and therefore, the authorities are empowered to cancel the assignment and resume the land under para 15-41(3) read with provisions made in para15-3(2) XI of RSO.



32. The Government land is classified as assessed dry waste and the land is kept as “Tharisu”. Therefore, the Government is the owner and custodian of the property.

33. In the present case, the documents produced by the 1st respondent from the year 1920 onwards would be sufficient enough to form an opinion that the Government land was assigned in favour of one Mr.Rathinam, who belongs to Depressed Class Community. Land was assigned for the benefit of Schedule Caste Community people to protect their livelihood. The purpose for which the lands were assigned cannot be violated and in the event of violation, the authorities are empowered to cancel to assignment and resume the land under the Government orders and the Revenue Standing Orders.

34. The assignment of Government lands are made in order to achieve the Constitutional goal of 'Social Justice' and 'Equality'. More specifically for the upliftment of depressed class community people. Thus, conditions are imposed in the assignment orders. If the conditions are violated, the very



purpose and object of assignment is defeated. Pertinently, such violations would result in an unconstitutionality since the rights of other depressed class community people for assignment of Government land is infringed.

35. Court shall consider these issues not only on factual perspectives but on the Constitutional perspectives. The Government lands are provided for the upliftment of depressed class people. By transferring the property to the other community people, the very object of upliftment is defeated and thus, it is an unconstitutionality. The Government has to review all such assignments of Government lands across the State of Tamil Nadu and identify the violations and initiate all appropriate actions to ensure that the assignments are made only in favour of the landless poor people belonging to the depressed class community.

36. In the present case, the 1st respondent could prove beyond any pale of doubt that the subject land was assigned in favour of Mr.Rathinam, who is a depressed class community person and the said lands assigned are transferred in violation of the conditions imposed in the assignment order and in favour of non-DC community people. Thus, there is no infirmity in



respect of the order passed by the Commissioner of Land Administration.

No time limit has been fixed by the Government for cancellation of assignment in the event of violation of conditions. Therefore, the contention of the petitioner that they are enjoying the land for long years would not save their right. Contrarily any such continuance would lead to an unconstitutionality, in perpetuity and infringement of the right of other landless poor depressed class community people as they are longing entitled for assignment of Government land for their upliftment.

37. The 1st respondent is directed to resume the land and take physical possession of the land immediately without causing any undue delay.

38. With the above direction, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. However, there shall be no order as to costs.

20.09.2023

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



To

W.P.No.25159 of 2



WEB COPY

- 1.The Principal Secretary and
Commissioner of Land Administration,
The State of Tamil Nadu
Chepuak,
Chennai – 600 005.
- 2.The District Revenue Officer,
Villupuram,
Villupuram District.
- 3.The Revenue Divisional Officer,
Villupuram,
Villupuram District.



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S.M.SUBRAMANIAM, J.

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