

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.26036 of 2005

Ravichandran

...Petitioner

Vs

1. The Special Commissioner & Commissioner for Land Administration, Chepauk, Chennai.
 2. The District Revenue Officer, Cuddalore District, Cuddalore.
 3. The Revenue Divisional Officer, Vridhachalam, Cuddalore District.
 4. Periasamy
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records on the file of the 1st respondent in his proceedings Ref:G1/13991/2005 and dated 07.06.2005 in confirming the order of the 2nd respondent in his proceedings V3/78089/01 and dated 10.03.2005 and that of the 3rd respondent in A4-7302/2000 and dated 18.09.2001 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.G.B.Ramesh, GA for R1 to R3
Ms. Jayanthi Ventakesh for R4

O R D E R

The order of cancellation of assignment, issued by the 1st respondent in proceedings dated 07.06.2005 in confirming the order of the 2nd respondent, is under challenge in the present writ petition.

2. The petitioner states that he is the assignee for the land bearing S.No. 38/2 of Lakshmanapuram village, Tittakudi Taluk, Cuddalore District. The assignment was initially made by the Tashildar, Tittakudi Taluk to an extent of 0.27.0 hectares.

3. The 4th respondent raised an objection before the Revenue Divisional Officer, Vridhachalam stating that the assignment should be cancelled in respect of 0.10.0 hectares. The said application submitted by the 4th respondent was ordered by the 3rd respondent on 18.09.2001. The petitioner challenged the said order before the 2nd respondent and the appeal was dismissed on 10.03.2005. Further, an appeal was filed before the 1st respondent and the same was also rejected in proceeding dated 07.06.2005. Thus, the writ petitioner is construed to move the present writ petition.

4. The learned counsel for the writ petitioner states that the assignment was made in favour of the writ petitioner, considering various factors. The 4th respondent is having an alternate pathway, therefore, the objections submitted by the 4th respondent deserves no merit consideration.

5. The learned counsel appearing on behalf of the respondents 1 to 3 opposed the contention by stating that the authorities competent held that the writ petitioner is not holding any assignment, in view of the fact that the family of the writ petitioners are holding valuable lands in that locality. In paragraph No.11 of the impugned order dated 07.06.2005 passed by the Special Commissioner and Commissioner of Revenue Administration, states that during the course of enquiry, it has come to the light that Mrs.Thaiyalnayagi owned an extent of 1.04.5 hectares in S.No. 38/1B as per document No.2697, dated 19/08/1966. Similarly, Thiru. Ravichandran owned an extent of 0.79.5 hectare in S.No. 38/3 as per document No. 1131, dated 22.01.1986. during the year 1992, Smt. Thaiyalnayagi mother of the writ petitioner and Smt.Thamayandi, wife of the writ petitioner while seeking assignment in S.No.38/4 and 38/6 had suppressed the fact of owning an extent of 1.04.5. hectare and 0.79.5 hectare in her name and in the name of her husband Thiru. Ravichandran, respectively. Hence, the assignments made in the names of three persons in a single family during 1992 are also liable for cancellation.

6. In view of the findings arrived at by the authorities competent, the assignment granted in favour of the writ petitioner had been cancelled, on the ground that the family of the writ petitioner possesses much extent of land in that locality and, therefore, they cannot be construed as a landless poor person.

7. Assignment of land are to be made by the public authorities, only after verification of the fact that the family is not possessing any land or property. The assignments of agricultural lands are granted by the Government for the livelihood of the persons, who are all considered as poor

landless people. Thus, the cancellation effected in respect of the writ petitioner is in accordance with law, as the family of the petitioner is possessing various lands in that locality and details of the property were also stated in the impugned order.

8. This Court is of the considered opinion that the lands at free of cost must be assigned by the Government in favour of those individuals who fulfil the conditions of the assignment. The terms and conditions stipulated in the assignment of land can never be violated by the competent authorities. Persons who are all possessing the properties and having sources of income cannot be considered for the purpose of assignment of lands at free of cost.

9. This being the principles to be followed, this Court is of an undoubted opinion that the writ petitioner has not made out any valid ground for consideration, in respect of the relief as such sought for in the present writ petition. All the Authorities in hierarchy categorically found that the writ petitioner is not a poor landless poor person and the family members of the petitioner are having various other lands/properties in their name. This being the factum of the case the writ petition is devoid of merits and stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmm/ska

To

1. The Special Commissioner &
Commissioner for Land Administration,
Chepauk, Chennai.
2. The District Revenue Officer,
Cuddalore District, Cuddalore.
3. The Revenue Divisional Officer,
Vridhachalam, Cuddalore District.

+1 cc to the Government Pleader, S.R.No.6970

W.P.No.26036 of 2005

RV(CO)
SSM(19/03/2019).