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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 11654 of 2011

and

W.M.P. Nos.1 and 2 of 2011

Siru Vivasayigal Podhunala Sangam,
Rep. by its President C.Ravichandran,
No.12, Podhavakkam Village,
Pallavada Post,
Gummidipondi Taluk,
Thiruvallur District.

.. Petitioner

Vs.

1. The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai - 5.

2. The District Collector,
Thiruvallur District,
Thiruvallur.

3. The Revenue Divisional Officer,
Ponneri Taluk, Thiruvallur District.

4. K.Madhavan
5. Sariga
6. K.M.Hari
7. K.Mukundan
8. Narayanan
9. Vikraman

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus after calling for all the records, pertaining to the passing of the order dated 24.02.2011 in proceedings No.F3/31202/2008 on the file of the first respondent and quash the portion of the order in paragraph 15, modifying the order of the Revenue Divisional Officer dated 21.08.2009 in so far as it relates to the assignment of land and consequently to restore the order passed by the Revenue Divisional Officer dated 21.08.2009 and to



reassign the land to the eligible members of the petitioner sangam.

For Petitioners : Mr. C.Balasundar

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For Respondent 1-3 : Mrs. A.Madhumathi
Special Government Pleader

4-9 : Mr. V.Manohar

O R D E R

This writ petition is filed by a Society registered under the Societies Registration Act. It is the case of the petitioner society that the petitioner Sangam was formed to protect the interest of Landless Poor Vivasayigal belonged to Scheduled Cast community. The petitioner filed the present writ petition to quash the proceedings of the first respondent confirming the order of Revenue Divisional Officer regarding resumption of lands for violation of conditions of assignment.

2. It is stated that the members of the petitioner association were given assignment and that the private respondents namely respondents 4 to 9 have purchased the lands assigned to the persons belong to Scheduled Caste Community. Since the terms and conditions of the assignments were violated and sale deeds were executed at the instance of the private respondents, the petitioner stated that they have sent a representation to the District Collector for cancelling patta in favour of purchasers and to restore patta in the name of legal heirs of beneficiaries. It is stated that the District Collector failed to initiate action. The petitioner earlier filed a writ petition in W.P. No.29137 of 2008 and this Court directed the District Collector to consider the representation of the petitioner dated 10.11.2008 and pass orders on the same, in accordance with law.

3. In the representation, the petitioner wanted resumption of lands from private respondents who had obtained sale deeds from the depressed class people in respect of lands assigned to them earlier. In the representation it is stated that after resumption of lands, the lands should be assigned to the legal heirs of the original beneficiaries or the persons to whom the assignments were given. It appears that by the order of Revenue Officials, the assignment order that was passed originally was directed to be cancelled and the Revenue Divisional Officer was



directed to initiate consequential proceedings for resumption of land. Thereafter the private respondents filed a writ petition in W.P. No.21369 of 2009 and pursuant to the directions of this Court dated 21.10.2009, the first respondent passed the impugned order. The first respondent confirmed the order of RDO regarding resumption of lands. However, with request to fresh assignment, the first respondent directed the District Collector to assign the lands afresh to landless poor belonging to SC Community following the procedure as per RSO(15).

4. The grievance of the petitioner is that by the order passed by the Revenue Divisional Officer, Ponneri, dated 21.08.2009, there was a direction to restore the land to the original assignee and that by the impugned order it was modified with a direction to take up action for assigning lands to the eligible landless poor belonging to Scheduled Caste Community.

5. First of all the writ petition itself is not maintainable by an Association. The petitioner has not disclosed the details of the members of petitioner association who got assignment earlier. The petitioner has not produced any assignment order that was issued in favour of any of the members of the petitioner's association. When proceedings were initiated for cancellation of assignment, each assignee will have an independent cause of action and the cause of action is personal to himself. A Society registered under Societies Registration Act cannot challenge the order as against the individual members. The writ petition is therefore liable to be dismissed on the ground of misjoinder of cause of action and for want of locus standi. Secondly, the proceedings were initiated for cancellation of assignment for violation of terms and conditions of assignment. When the assignees got assignment subject to the terms and conditions, they cannot seek reassignment even after admitting that the assignees have alienated the properties contrary to the terms of the assignment. Such persons who have violated terms and conditions of assignment cannot once again seek reassignment. In such circumstances, once the land is resumed by the Government from the alienees, it is open to the Government to decide as to how the land should be dealt with in future. In this case, the first respondent is only directed to take action to assign the lands to eligible landless poor persons belonging to the Scheduled Caste Community by following the procedure laid down in RSO 15 (41).

6. The direction, having regard to the admitted facts, is appropriate and this Court finds no reason to interfere with the order of first respondent even on merits. Accordingly, this writ



petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary and
Commissioner of Land Administration,
Chepauk,
Chennai - 5.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Revenue Divisional Officer,
Ponneri Taluk,
Thiruvallur District.

+1cc to the Government Pleader, S.R.No.17587

W.P. No. 11654 of 2011

GPL(CO)
SU(26/07/2021)