



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.09.2021

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.20334 of 2021
and
W.M.P.Nos.21574 and 21575 of 2021

Tharabai

... Petitioner

-vs-

1. The District Collector,
Tirupattur District,
Tirupattur.
2. The District Revenue Officer,
Tirupattur District,
Tirupattur.
3. The Revenue Divisional Officer,
Vaniyambadi,
Tirupattur District
4. The Tahsildar,
Ambur Taluk,
Tirupattur District
5. The Assistant Executive Engineer,
TANGEDCO,
Kailasha Giri,
Ambur Taluk,
Tirupattur District

6. M.Pushparaj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records in Na.Ka.A2/1649/2020 dated 15.09.2021 on the file of the 3rd respondent and quash the same.

For petitioner : Mr.R.Rajarajan

For respondents : Mrs.Akhila Rajendran for R1 to R4
Government Counsel



ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J.,)

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This writ petition has been filed to quash the order of the 3rd respondent passed in Na.Ka.A2/1649/2020 dated 15.09.2021.

2.The petitioner was assigned with the land 6.5 ares in Survey No.359/2 and 11 ares in Survey No.359/3 vide assignment order dated 15.12.2006. By the impugned order dated 15.09.2021, the said assignment was cancelled by the 3rd respondent.

3.Mr.R.Rajarajan, learned counsel for the petitioner would argue that the assignment made in favour of the petitioner was cancelled on two grounds, viz., the petitioner's husband already owns land and secondly, the petitioner constructed a marriage hall in the land assigned to her, in violation of the assignment order. According to the learned counsel for the petitioner, there is no suppression of fact that the petitioner's husband was owning 4 acres of land, at the time of assignment and the assignment order does not prohibit the petitioner from converting the said land for some other purpose. Though the petitioner has contended that she has not violated any of the conditions of the assigned order, those contentions were not considered by the 3rd respondent.

4.Mrs.Akhila Rajendran, learned Government Counsel appearing for the respondents 1 to 4, would state that as per G.O.Ms.No.396 (Revenue Department) dated 23.06.2006, only landless poor are eligible for assignment of lands. Admittedly, the petitioner's husband owned 4 acres of land, at the time of assignment. That apart, the object of the assignment is only for using the said land for agricultural purpose. The petitioner has however constructed a marriage hall in the land assigned. Since the petitioner has violated the conditions stipulated in the above cited Government Order, the 3rd respondent has rightly cancelled the assignment order. Hence, the cancellation of the assignment order by the 3rd respondent, does not warrant any interference of this Court.

5.We find force in the submission of the learned Government Counsel appearing for the respondents. Perusal of G.O.Ms.No.396 (Revenue Department) dated 23.06.2006, would show that the Government has taken a policy decision to assign 2 acres of land each to the landless poor. It is not disputed that the petitioner's husband owns 4 acres of land, at the time of assignment. The assignment order further stipulates that the assignees on their own should cultivate the land. But, in the



case on hand, the petitioner has constructed a Marriage Hall in the land assigned to her.

6. It is apposite to point out that assignment of land was made, in pursuance of the G.O.Ms.No.396 (supra) and the G.O stipulates that only landless poor are eligible for assignment. Indisputably, the petitioner's husband owned 4 acres at the relevant point of time, so the petitioner becomes ineligible to seek assignment. That apart, the object of assigning land to the landless poor is to develop agriculture. If the land is converted and used for commercial purpose, the object and purpose for which assignment is made is defeated. So we do not find any substance in the argument of the learned counsel appearing for the petitioner.

7. For the foregoing reasons, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tirupattur District,
Tirupattur.
2. The District Revenue Officer,
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4. The Tahsildar,
Ambur Taluk,
Tirupattur District



5. The Assistant Executive Engineer,
TANGEDCO,
Kailasha Giri,
Ambur Taluk,
Tirupattur District.

+1cc to M/s.R.Rajarajan, Advocate, S.R.No.50077

+1cc to M/s.L.Jaivenkatesh, Advocate, S.R.No.49733

+1cc to the Government Pleader, S.R.No.50134

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KSM(CO)
SU(29/11/2021)