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W.P.Nos.16612 & 17592 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.16612 & 17592 of 2015

and

M.P.Nos.1, 2, 1 & 2 of 2015

W.P.No.16612 of 2015:

1.K.Madhavan

2.Sariga

3.K.M.Hari

4.K.Mukundan

5.Narayanan

6.Vikraman

... Petitioners

Vs.

1.The Principal Secretary Cum Commissioner of
Land Administration
Chepauk, Chennai.

2.The District Collector
Thiruvallur.

3.The Revenue Divisional Officer
Ponneri.



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4.The Tahsildar
Gummidipoondi.

5.The Revenue Inspector
Matharpakkam
Ponneri Taluk
Thiruvallur District.

6.The Village Administrative Officer
Pondavakkam Village
Gummidipoondi Taluk
Thiruvallur District.

7.The District Superintendent of Police
Thiruvallur District.

8.The Deputy Superintendent of Police
Gummidipoondi Taluk
Thiruvallur District.

9.The Sub-Inspector of Police
Pathirvedu
Gummidipoondi Taluk.

10.C.Ravichandran

11.The Forest Range Officer
Gummidipoondi Range
Madharpakkam Range
Madharpakkam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order of the RDO, Ponneri in Na.Ka.No.1555/15B1, dated 29.05.2015 and quash the same is illegal, ultra-virus and unconstitutional.



W.P.No.17592 of 2015:

1.K.Madhavan

2.Sariga

3.K.M.Hari

4.K.Mukundan

5.Narayanan

6.Vikraman

... Petitioners

Vs.

1.The Principal Secretary - Cum - Commissioner
of Land Administration, Chepauk,
Chennai – 600 005.

2.The District Collector
Thiruvallur.

3.The Revenue Divisional Officer
Ponneri.

4.C.Ravichandran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice of the 3rd respondent R.C.1555/2015/A.2 dated 29.05.2015 and quash the same and consequently direct the 1st respondent to take appropriate action against the respondents 2 to 4.



For Petitioners	: Ms.S.Pavithrashini For Mr.V.Manohar (in 2WPs)
For R1 to R9 & R11	: Mr.T.Arun Kumar Additional Government Pleader (in W.P.No.16612 of 2015)
For R1 to R3	: Mr.T.Arun Kumar Additional Government Pleader (in W.P.No.17592 of 2015)
For R10	: Mr.G.Justin (in W.P.No.16612 of 2015)
For R4	: Mr.G.Justin (in W.P.No.17592 of 2015)

COMMON ORDER

The notice issued by the Revenue Divisional Officer, Ponneri instructing the petitioners to stop the unauthorised cutting of trees standing on the lands till the disposal of the W.P.No.7900 of 2011 is under challenge in these writ petitions.

2. The impugned notice was issued pursuant to the fact that the petitioners have indulged in unauthorised cutting of the trees in question in the land which was resumed by the Government.



3. The subject land was originally assigned in favour of the landless poor Adi Dravidar community people. It was a conditional assignment made by the Government that the assignees cannot alienate the Government property in favour of any person. In violation of the conditions imposed in the assignment order, the original assignees sold the property in favour of the writ petitioners and therefore, the purchase of the property itself was found to be illegal and in violation of the conditions imposed in the assignment order.

4. In view of the fact that conditional assignment was violated, the Government has initiated action to cancel the assignment and to resume the land.

5. The learned Additional Government Pleader appearing on behalf of the official respondents relying on the counter affidavit made a submission that the assignment in respect of the disputed lands were cancelled and the subject lands were resumed by the Government through proceedings of the 3rd respondent dated 21.08.2009.



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6. Once the lands assigned were resumed by the Government, the said lands vest with the Government and the subsequent purchasers have no right to claim ownership or otherwise. The Subsequent purchasers cannot enjoy the usufruct or take possession of the land, since the land was already resumed by the Government. The present writ petitions are filed consequent to the writ petition filed by the petitioners in W.P.No.7900 of 2011 challenging the order cancelling the assignment and resuming the land. During the pendency of the writ petition the petitioners have made an attempt to cut the trees in the property and therefore, the competent authorities issued impugned notice asking the petitioners not to cut the trees unauthorisedly, since the writ petition was pending.

7. The learned counsel for the petitioner mainly contended that an order of status quo was granted by this Court in W.P.No.7900 of 2011 and therefore, the petitioners are empowered to enter into the property.

8. This Court is of the considered opinion that the order of status quo granted, at no circumstances be allowed to misinterpret. The authorities have issued the impugned notice mainly on the ground that the petitioners have



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attempted to cut the trees unauthorisidely. The trees in the subject property are to be protected, since the lands are already resumed by the Government and the order of resumption is under challenge in the W.P.No.7900 of 2011. Therefore, this Court do not find any infirmity in respect of the notice issued by the respondents preventing the petitioners from cutting the trees unauthorisedly.

9. It is not in dispute that the authorities competent passed an order resuming the land on the ground that the conditions stipulated in the assignment had been violated by the original assignees. Therefore, the subsequent purchasers of the original assignees also have no right over the property, since the conditional assignment had been violated and the Government has resumed the property. In view of the fact that the impugned notice has been issued preventing the writ petitioners from cutting the trees in an unauthorised manner, this Court do not find any infirmity in respect of the notice issued and the interpretation of the status quo orders offered by the petitioner deserves to be rejected.



10. Accordingly, these Writ Petitions are dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes

Speaking order

Neutral Citation : Yes

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S.M.SUBRAMANIAM, J.

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