



WEB COPY

W.P.No.3271 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3271 of 2023 &
W.M.P.No.3324 of 2023

K.Nataraj

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Sub Collector,
O/o. The Sub Collector,
Harur,
Dharmapuri District.

3.The Tahsildar,
Pappiredipatti Taluk Office,
Pappiredipatti,
Dharmapuri District.

... 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 order of the first respondent in Na.Ka.No.4288/2021/Tha2



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dated 06.09.2021 quash the same and directing the first respondent allot the property to the petitioner in Survey No.18, N.P.Hectare 2.07.0 among which it is settled measured are 2.00 Hectare, of which 5.11 acre land is situated in Sembiyanoor Village, Papireddipati Taluk, Dharmapuri District and direct the third respondent to issue patta stands in the name of the petitioner in the above same within stipulated time may be fixed by this Court.

For Petitioner : Mr.B.Sridhar

For Respondents : Mr.C.Jaya Prakash,
Government Advocate

ORDER

The order of rejection passed by the District Collector, Dharmapuri in proceedings dated 06.09.2021 is under challenge in the present writ petition.

2. The property situated in Sembiyanoor Village, Papireddipati Taluk, Dharmapuri District which is morefully described in the affidavit filed in support of this writ petition was assigned in favour of the landless poor Adi Dravida people by the Government for the purpose of their livelihood. Some assignees in violation of the assignment conditions alienated the properties in favour of some other caste people and therefore, a complaint was received.



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3. The competent authority/revenue authority initiated action and cancelled the assignments granted originally in favour of the Adi Dravida Community people. The order impugned itself reveals that the conditional assignments granted in favour of the Adi Dravidar Community people was violated and consequently, the assignment itself has been cancelled by the competent authority. After cancelling the assignment, the Government property has been classified as “Poromboke Tharisu” and necessary entries were made in the revenue registration.

4. In respect of the said land, the petitioner submitted an application seeking assignment. Since the claim of the petitioner was rejected by the District Collector, the present writ petition is filed.

5. The cancellation of an assignment would not confer any right on the petitioner to claim reassignment in respect of the said land. If at all the petitioner is a landless poor person, he has to submit an application under the Government Welfare Schemes if any in force and the said application is to be considered based on the conditions stipulated under the scheme along with all other persons who all are eligible and waiting for availing the benefit of



the welfare schemes. Contrarily the writ petitioner cannot seek assignment merely based on the ground that the earlier assignment granted in favour of the Adi Dravida Community people was cancelled.

6. It is for the Government to take a decision to give assignment in favour of private persons. The power of Government to assign the land is provocative and the said assignment is to be granted scrupulously in accordance with the terms and conditions stipulated in the statute and rules in force. Therefore, the cancellation of the assignment would not confer right on the petitioner to seek reassignment.

7. That apart, the petitioner in his representation stated that he is Dr.K.Natarajan and doing some social services. Therefore, the eligibility of the petitioner itself is questionable and thus, this Court does not find any reason to interfere with the orders passed by the District Collector. If at all the Government properties are under the encroachment or under the illegal occupation of the third parties, the authorities are bound to initiate appropriate actions.



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8. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes

Neutral Citation : Yes

Speaking order



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S.M.SUBRAMANIAM, J.

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