



WEB COPY

W.P.No.12803 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12803 of 2021

K.Sadhasivam

... Petitioner

Vs.

1.The District Collector,
Salem Collectorate,
Salem.

2.The District Revenue Officer,
Salem Collectorate,
Salem.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Attur Taluk, Salem District.

4.The Tahsildar,
Taluk Office,
Attur Taluk, Salem District.

5.Jayalakshmi

6.D.Chandran

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to implement the findings of the 3rd respondent in Na.Ka.5740/2018/Aa2, dated 23.10.2018 and consequentially cancel the land assignment of 1.15.0 Hectare land in the survey numbers survey nos.704/3, 704/4, 705/2 Paithur North Village made



in favour of the 5th respondent herein through the proceedings of the 4th respondent in No.A.M/215/1399, dated 20.05.1990, as the same was obtained by committing fraud, within the stipulated time frame.

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For Petitioner	: Mrs.M.Senthilvadivu
For R1 to R4	: Mr.D.Ravichander, Special Government Pleader
For R5 & R6	: Mr.M.Sudhan

ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to implement the findings of the 3rd respondent in Na.Ka.5740/2018/Aa2, dated 23.10.2018 and consequentially cancel the land assignment of 1.15.0 Hectare land in the survey numbers.704/3, 704/4, 705/2 Paithur North Village made in favour of the 5th respondent herein through the proceedings of the 4th respondent in No.A.M/215/1399 dated 20.05.1990.

2. It is not in dispute that the subject property was originally in favour of the 5th respondent. During the course of enquiry, the competent authorities found that the husband of the 5th respondent viz., Duraisamy, was employed in the Tamil Nadu Electricity Board, which is a Government of Tamil Nadu Organization and by producing false statements, the 5th respondent secured



assignment in her favour. Since the authorities found that the 5th respondent is not eligible for free assignment of Government land, the said assignment was cancelled by the Revenue Divisional Officer, Athur by proceedings dated 23.10.2018.

3. Once the assignment is cancelled, the subject property is to be resumed by the competent authorities and thereafter vests with the Government and it is to be assigned in favour of the eligible persons. However, the petitioner is no way connected with the impugned order, since it is an internal communication sent by the Revenue Divisional Officer to the District Collector, Salem. It is a report submitted by the Revenue Divisional Officer to the District Collector, Salem stating that the 5th respondent is not an eligible person for availing the benefit of free assignment of Government land. However, the petitioner by filing a Writ Petition cannot secure any such free assignment of land. If at all the petitioner is a poor landless person, he has to submit an application before the competent authorities, which is to be considered scrupulously, following the conditions stipulated in the Government welfare schemes in force, if any.



4. With this clarification, the Writ Petition stands disposed of.

No costs.

17.08.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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