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WP No.5810 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.5810 of 2023

And

WMP No.5795 of 2023

V.Renuka Devi

... Petitioner

Vs.

- 1.The Commissioner Land Administration,
Chepauk,
Chennai-600 005.
- 2.The District Collector,
Ranipet District.
- 3.The Sub Collector,
Ranipet District.
- 4.The District Revenue Officer,
Ranipet District.
- 5.The Revenue Divisional Officer,
Arakonam Taluk,
Ranipet District.



6.The Tahsildar,
Arakonam Taluk,
Ranipet District.

7.The Village Administrative Officer,
Perungalathur Village,
Ranipet 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 dated 04.07.2022 passed by the second respondent herein in Ni.Mu.C4/7881/2020, quash the same and direct the respondents herein to make necessary charges in the revenue records by recording the name of the petitioner herein in respect of lands measuring 3 acres in Survey Nos.503/1, 503/2, 503/8, 519/3, 519/4 at Perungalathur Village, Arakonam Taluk, Ranipet District.

For Petitioner : Mr.S.Shanmugasundaram

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader.

ORDER

The order of the second respondent-District Collector, Ranipet in proceedings dated 04.07.2022, is sought to be quashed in the present writ petition.



2. The petitioner states that DC lands measuring 3 acres comprised in Survey Nos.503/1, 503/2, 503/8 and Survey Nos.519/3 and 519/4 situated at Perungalathur Village, Arakonam Taluk, Ranipet District were assigned by the Tahsildar, Arakonam to Mr.Gopal, son of Pakkavadan by proceedings dated 24.01.1991 with certain conditions for 'Deprived Class (DC) people.

3. As per the conditions stipulated in the assignment, the DC lands cannot be alienated and it is to be cultivated by the Assignee himself. The land must be brought under cultivation within the specified period and in the event of violation of any of the assignment conditions, the assignment itself is liable to be canceled from the Revenue Standing Orders.

4. It is not in dispute that the DC lands measuring 3 acres, which assigned in favour of Mr.Gopal. Regarding the violations of conditions, the counter filed by the respondents reveals that as per the conditions of RSO 15(12)(3)(iii) and b(iii), the land shall be brought under cultivation within a period of three years from the date of assignment, it



should not be leased out, but direct cultivation should be carried on by the Assignee or the legal heirs. The Assignee did not fulfill these vital conditions and the land was not brought to cultivation. It appears mamul waste on ground. Mamul waste means occupied land, which is not cultivated regularly in a normal year and which it may be presumed, would have been kept uncultivated even if the season and water supply had been normal [RSO 13 (16) Note].

5. The Assignee had violated the above conditions, the assignment patta given in DKT No.23/1401 dated 24.12.1991 should have been cancelled by the Authorities. But unfortunately, the assigned lands were sold to the petitioner in a wealthy pattadar, residing permanently in Door No.49, Santhome High Road, Chennai by the Assignee B.Gopal mentioning his residential address as Door No.15, Subbarayan Street, Thiruthani Town Panchayat, Thiruvallur District, instead of the residence Village as Perungalathur furnished in Land Assignment Order in the Sale Deed dated 28.04.2003.

6. The petitioner has got more than 10 acres of dry lands in



S.No.455/10 etc., of Perungalathur Village in Patta No.1186, before she purchase of assigned DC lands from Mr.B.Gopal. As per RSO 15(3)(2) (ii) and (iii), she is not a landless poor person to purchase the assigned lands from the Assignee even after ten years from the date of assignment.

7. The sale of assigned land after a period of ten years, special conditions prescribed in RSO 15(12)(03) as shown below:-

“The assigned land shall not be alienated for a period of ten years from the date of assignment. In the event of the Assignee wishing to dispose of the land after the above period, he should get prior permission of either the Tahsildar or the RDO, who should give permission only, if the sale is to one of the categories, eligible for assignment of Government waste lands for cultivation.”

8. The permanent resident of the villages doing direct cultivation having no lands with meagre family annual income category alone are eligible to purchase the Assignee's land after ten years of assignment made to the Assignee, with proper permission orders of the



Competent Revenue Authorities.

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9. The petitioner, who purchased the assigned lands is non-resident of Perungalathur Village. She is residing in Mylapore. She owns 10.11 acres in Perungalathur Village. She is not a poor person to purchase the assigned lands of 3 acres from the Assignee.

10. The intention of assignment of Government lands to landless agricultural labours with free of land value is to bring the waste lands into cultivate lands and to plant and maintain plenty of trees in the assigned land for the benefit of the public and also for the livelihood of the Assignee during his life time.

11. The Assignee got the land on 24.12.1991 free of land value. He sold it on 28.04.2003 to a rich person for a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) i.e., after a period of 11 years and 4 months, from the date of assignment. It proves that the Assignee got the land not for his livelihood by cultivating with hard work and to sell it to rich persons to violate the Rules and Regulations of the Government.



12. In the above circumstances, the Commissioner of Land Administration, Chennai in his letter RC No.G1/7047/2020 dated 29.01.2022 has observed that the petitioner has got 10 acres of land. She did not cultivate the purchased DC land measuring 3.00 acres in S.Nos.503/1, 2, 3 and 519/3 and 4 of Perungalathur Village and that has instructed to resume the said DC land from the petitioner and brought them into prohibitive order Book with a report to the Office of the Land Administration, Chennai.

13. The second respondent-District Collector, Ranipet has carefully examined the above facts and passed order in his R.Dis(C4) 7881/2020 dated 04.07.2022 resuming the DC land Anadheenam measuring 3.00 acres of dry land in S.No.503/1, 2, 3 and 519/3, 4 of Perungalathur Village of Arakkonam Taluk purchased by the petitioner and entering them in Prohibitive Order Book. Accordingly, necessary entries were made in the relevant Registers maintained in the Taluk and Village Records.



14. In view of the reasons stated by the respondents, there is no infirmity in respect of the cancellation of assignment made by the Competent Authorities. Consequently, the respondents are directed to resume the Government lands, within a period of four weeks from the date of receipt of a copy of this order and re-assign the same in favour of the eligible 'Landless Poor Depressed Class Community Persons' or utilise the same for any other public purposes under law.

15. With the above directions, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

26-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



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