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W.P.Nos.20381 and 2318



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.20381 and 23180 of 2018

and

W.M.P.Nos.23937, 23938, 27081 and 27082 of 2018

W.P.No.20381 of 2018

Mr.S.Balasubramanian

... Petitioner

Vs.

1.The Commissioner,
Land Administration,
Chepauk, Chennai.

2.The Collector,
Cuddalore District.

3.The Revenue Divisional Officer,
Vridhachalam, Cuddalore District.

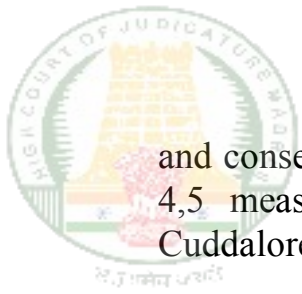
4.The District Revenue Officer,
Cuddalore District.

5.The Tahsildar,
Veppur Village,
Vridhachalam Taluk, Cuddalore.

6.Gunddupillai

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to which the land classification Survey No. 262A/ 3-1.38 acres, 262A/ 4-1.02 acres, 262A/ 5- 0.10 cents totalling 2.50 acres in Ivathukudu Village, Veppur Taluk, Cuddalore District



and consequently direct the respondent herein to issue patta for Survey No. 262/ 3, 4,5 measuring an extent of 2.50 Acres, Ivathukudi Village, Veppur Taluk, Cuddalore District.

W.P.No.23180 of 2018

Mr.S.Balasubramanian

... Petitioner

Vs.

1.The Additional Chief Secretary / Commissioner,
Land Administration, Chepauk, Chennai.

2.The Collector,
Cuddalore District.

3.The Revenue Divisional Officer,
Vridhachalam, Cuddalore District.

4.The District Revenue Officer,
Cuddalore District.

5.The Tahsildar,
Veppur Village,
Vridhachalam Taluk,
Cuddalore.

6.Gunddupillai

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in RC No.G1/7462/2011 on the file of 1st respondent dated 25.11.2014 quash the same and direct the respondent to reclassify the lands from Adi-Dravida Dry to Tharisu in respect of Survey No.262A/3, 4,5 measuring an extent of 2.50 acres, in Iyvathakudi Village, Veppur Taluk, Cuddalore District.

For Petitioner	: M/s.G.Surya Narayanan(in both W.P.s)
For R1 to R5	: Mr.G.Krishna Raja, Additional Government Pleader
For R6	: No appearance



COMMON ORDER

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The relief sought for in the Writ Petition is to direct the respondents herein to which the land classification Survey No. 262A/ 3-1.38 acres, 262A/ 4-1.02 acres, 262A/ 5- 0.10 cents totalling 2.50 acres in Ivathukudu Village, Veppur Taluk, Cuddalore District and consequently direct the respondent herein to issue patta for Survey No. 262/ 3, 4,5 measuring an extent of 2.50 Acres, Ivathukudi Village, Veppur Taluk, Cuddalore District.

2. The petitioner states that he had purchased the subject property in Survey No. 262A/ 3, 4 and 262A/5 under registered Sale Deed dated 13.02.2008 filed as Document No.1102 of 2009 dated 24.03.2009. The main contention raised by the petitioner is that the subject lands are not classified as 'Panjami' lands. It was originally classified as 'Tarisu' and subsequently, re-classified as 'Panjami' lands and therefore, re-classification done by the authorities are improper and untenable. The petitioner claims ownership in respect of the property. It is contended that the subject lands were originally assigned to the Depressed Class Community people and as per the conditions stipulated, on expiry of 10 years, the Depressed Class Community people are entitled to transfer the property. Thus, the petitioner purchased the property after expiry of 10 years period from the date of original



assignment and thus, there is no irregularity. Re-classification of 'Tarisu' land from 'Panjami' land is improper. It is contended that the petitioner has filed a Civil Suit in O.S.No.32 of 2010 and the said Suit was decreed in favour of the petitioner. Thus, the Writ Petition is to be considered.

3. The learned Additional Government Pleader based on the written instructions submitted by the Revenue Tahsildar, made a submission that the subject lands has been allotted to the Depressed class people of that locality as per the Revenue Standing Order. Accordingly, the Government lands re-classified as 'Tarisu' was assigned in favour of 15 eligible landless people of that locality, who belonged to the Scheduled Caste Community people.

4. The assignment was granted with conditions and the assignees have violated the conditions. The lands allotted in favour of the Scheduled Caste Community people cannot be transferred in favour of the other Caste Hindu Community people. It is to be transferred only to the Depressed Class Community person and violations of the conditions in this regard would dis-entitle them from holding the assignments anymore by the original assignee.



5. In the present case, the petitioner belongs to Hindu-Komatti Chettiyar (Forward Community). When the petitioner belong to a Forward Class, the land assigned in favour of the Scheduled Class Community people at free of cost cannot be transferred in the name of the Forward Class people, since the assignments were violated the authorities competent cancelled the assignment which is now challenged under the present Writ Petition.

6. In either of the case whether the land being given has been classified as Tarisu or Panjami lands, the petitioner is not entitled to get back the land, since the lands belonging to the Government was assigned to protect the livelihood of the Depressed Class Community people.

7. The very purpose and object of the lands at free of cost by the Government is to honour the principles of Social justice as enunciated under the Constitution of India. In order to eliminate inequality, which is the constitutional mandate, the Government is taking steps to allot the lands at free of cost for construction of houses to homeless people and agricultural lands for the purpose of protecting the livelihood of the people, who all are living below poverty line.

8. This being the laudable object in consonance with the Constitutional



principles, the purposes at no circumstances be neutralized, which would result in unconstitutionality. Therefore, the Government lands allotted at free of cost cannot be transferred in the name of a person, which would result in violation of constitutional principles of equality and social justice. Since such transfer or alienation will make the rich people richer and the poor people poorer and ultimately, the very constitutional goal philosophy and ethos are defeated.

9. Therefore, in the present case, the respondents have brought to the notice of this Court that the lands originally were classified as 'Tarisu' and subsequently, re-classified as 'Panjami'. The assignment of Government lands at free of costs was granted to the landless poor Scheduled Community People on condition to utilize the lands for cultivation for their livelihood. This being the noble purpose for which the Government lands are allotted at free of cost, such assignees are not entitled to transfer the lands in favour of the other Caste Hindu Community People and in the present case, the petitioner being the Forward Community person, is not entitled to purchase the lands assigned nor the assignee has any right to sell the property in favour of other persons. Thus, this Court do not find any infirmity in respect of the contention made by the competent authorities.

10. The learned counsel for the petitioner made a submission that no notice



or opportunity was given to the petitioner. Since, the petitioner is not an assignee and he is a purchaser, he has no right to question the condition of assignment, which was imposed in the order issued in favour of the assignee.

11. Accordingly, the Writ Petitions stand dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

21.09.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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