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WP No.7900 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-08-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.7900 of 2011

And

MP Nos.1, 2 and 3 of 2011, 1 of 2014

And

WMP No.4477 of 2017

1.K.Madhavan
2.Sariga
3.K.M.Hari
4.K.Mukundan
5.Narayanan
6.Vikraman

... petitioners

Vs.

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

2.The District Collector,
Thiruvallur District.



3. The Revenue Divisional Officer,
Ponneri Taluk,
Thiruvallur District.

4. Siru Vivasayigal Podhunala Sangam,
By its President C.Ravichandran,
12, Pondhavakkam Village,
Pallavada Post,
Gummidipoondi Taluk,
Thiruvallur District-601 002.

... 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 pertaining to the order of the Principal Secretary and Commissioner of Land Administration made in No.F3/31202/2008 dated 24.02.2011 and quash the same and direct the respondents to restore the patta in favour of the petitioners herein in respect of the lands measuring 39.17.5 hectares with trees comprised in Survey Nos.1 to 13 and its Sub Division, 15 and its Sub Divisions, 17 and its Sub Division, 19 to 24 and its Sub Divisions, 30 and its Sub Divisions, 41 and its Sub Divisions, 472 and its Sub Divisions in Pondhavakkam Village, Ponneri Taluk, Thiruvallur District.

For petitioners : Mr.V.Manohar

For Respondents-1 to 3 : Mr.T.Arunkumar,
Additional Government Pleader.

For Respondent-4 : No Appearance



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ORDER

The order issued by the Principal Secretary and Commissioner of Land Administration dated 24.02.2011, is sought to be quashed in the present writ petition. Further direction is sought for to restore the patta in favour of the petitioners herein in respect of the lands measuring 39.17.5 hectares with trees comprised in Survey Nos.1 to 13 and its Sub Division, 15 and its Sub Divisions, 17 and its Sub Division, 19 to 24 and its Sub Divisions, 30 and its Sub Divisions, 41 and its Sub Divisions, 472 and its Sub Divisions in Pondhavakkam Village, Ponneri Taluk, Thiruvallur District.

2. The petitioners states that the lands situate in Pondhavakkam Village in Ponneri Taluk in Thiruvallur District comprised in Survey Nos.1 to 13 and its Sub Division, 15 and its Sub Divisions, 17 and its Sub Division, 19 to 24 and its Sub Divisions, 30 and its Sub Divisions, 41 and its Sub Divisions, 472 and its Sub Divisions are classified as 'Rain-Fed Dry Lands', which were originally owned by several people as their absolute



property. They have been in possession and occupation by cultivating the lands for several years.

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3. The petitioners purchased the subject property in the year 1983 from one Smt.Kamalammal for a valuable sale consideration. Patta was also granted in the name of said Smt.Kamalammal. However, there was a counter claim by the Association, namely, Siru Vivasayigal Podhunala Sangam.

4. The claim of the said Sangam was that the subject properties were assigned in favour of the Depressed Class Community People and therefore, the said assignment was granted on condition by the Government. Thus any sale to any other Community person is prohibited. More-so, the assignment of the said land was cancelled by the Competent Authorities on the ground of violations.

5. The Revenue Divisional Officer and the District Revenue Officer adjudicated the issues and the District Revenue Officer partly confirmed the order passed by the Revenue Divisional Officer. Finally,



revision was preferred before the Principal Secretary and Commissioner of Land Administration.

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6. A writ petition in WP No.21369 of 2009 was filed and this Court directed the Authorities to pass orders on merits. Accordingly, the Commissioner of Land Administration conducted an enquiry. The Commissioner of Land Administration conducted several hearings and the respective learned counsels for the appellants and the respondents appeared before the Commissioner of Land Administration and presented their statements and documents.

7. The Revenue Divisional Officer, Zonal Deputy Tahsildar and Village Administrative Officer were also present during the course of hearing before the Commissioner of Land Administration. The learned counsel for the appellants filed written statement and made a request to set aside the orders of the District Collector.

8. The claim made by the petitioners and the counter claim by the Association and the official records were scrutinised by the



Commissioner of Land Administration.

9. The Revenue Divisional Officer, Ponneri, in his statement recorded during the enquiry, has stated that in the year 1971, DKT pattas were given to 106 Adi Dravidar Community peoples for an extent of 38.68.0 Hectares of lands in Survey Nos.1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 19, 20, 21, 22, 23, 24, 30, 41 and 472 (total 114 sub divisions) in Pondhavakkam Village of Gummidipoondi Taluk in Thiruvallur District.

10. The Revenue Divisional Officer in his report dated 09.06.2010 has stated that thorough verification of Adangal pertaining to Faslis 1376, 1378 and old DKT Register of the Fasli 1379 shows that out of 114 sub divisions, for 82 sub divisions, there are entries showing that these lands are 'Adi Dravidar Conditional Assignment Lands' and for remaining 28 sub divisions, the entry in the record reveals that they were the regularly assigned lands.

11. The Commissioner of Land Administration also perused the Adangal pertaining to Faslis 1376, 1378 and old DKT Register pertaining to



Fasli 1379 and the Revenue Divisional Officer's file reveals that the lands were assigned under 'Adi Dravidar' conditions. As per RSO 15-41 (4)(iii) “if the conditions of non-alienation is violated or if the land ceases to be owned by the Assignee or his legal heirs or (after the ten years) other members of their class, owing to sale by process of law or otherwise, or if default is made in the payment of the Government revenue on the dates prescribed, the grant will be liable to be resumed by the Government”.

12. In the present case, in respect of the respective subject properties, the Commissioner of Land Administration found that the lands assigned under DC conditions were sold to members of other Community.

13. The Commissioner of Land Administration relied on the judgment of High Court of Madras. Considering the judgment of the High Court of Madras and the judgment of the Hon'ble Supreme Court of India in respect of Karnataka Scheduled Caste and Scheduled Tribes Act, 1979, paragraph 14 of the impugned order reads as under:-

*“14. The Honourable High Court, Madras
in its judgment dated 22.01.1991 in Writ Appeal*



No.624 of 1988 referred the stand taken by the Supreme Court in respect of Karnataka Scheduled Caste and Scheduled Tribes Act, 1979 that the object of the Act was to protect and preserve economic interests of persons belonging to Scheduled Caste and Scheduled Tribes and to prevent their exploitation. It is also observed that for the purpose of that Act that the classification has a clear nexus to the object sought to be achieved. Based on this observation of the Supreme Court, the Division Bench of the High Court expressed the view that the special provision made for the resumption of 'Granted' land to the Depressed Class do not infringe Article 14 of the Constitution. Further, in its judgment dated 07.11.2008 in WP Nos.17467, 15121 and 15171 of 1996 and 14926 of 1997 and 4459 of 1998 filed by the Secretary and Treasurer of VGP Minvariya Kudi Erupor Nala Sangam Coimbatore vs. Government of Tamil Nadu, the Honourable High Court of Madras after referring the various legal precedents has clearly held that the Government can empower to resume the Panchami land assigned in favour of the Dalits if



the condition of non-alienation to the other Community members is violated. The Honourable Bench of Madras High Court in their judgment dated 05.04.2010 in WA Nos.1446 to 1448 of 2008 also confirmed the decision of the Single Judge in WP Nos.17467, 15121, 15171 of 1996, 14926 of 1997 and 4459 of 1998.”

14. Relying on the abovesaid judgment of the High Court of Madras, the Commissioner of Land Administration formed an opinion that subject properties were assigned in favour of the Adi Dravidar Community/ Depressed Class People and subsequently, they were resumed on the ground that the conditions stipulated were violated. However, the learned counsel for the petitioners states that though assignments were cancelled, the lands are yet to be resumed.

15. Admittedly, the writ petitioners are the subsequent purchasers and they do not belong to Adi Dravidar Community/Depressed Class. Therefore, the conditions imposed in the assignment were violated even before the purchase of the lands by the petitioners in the present case.

16. May that as it be. If at all any grievance exists for the petitioners or if the petitioners were misled by their vendors, the remedy is



against the vendors and as far as the Government is concerned, the free assignment of Government lands were granted to the Depressed Class Community People and the said assignment was cancelled on account of violations committed by the Assignees. Further, the Commissioner of Land Administration directed the District Collector of Thiruvallur District to take appropriate actions in respect of valuable trees standing on the suit lands without any loss to the Government. Thus, the respondents are directed to initiate all appropriate actions in this regard.

17. This being the factum, the petitioners have not established any acceptable reasons for the purpose of granting the relief as such sought for in the present writ petition.

18. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

25-08-2023

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

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S.M.SUBRAMANIAM, J.

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