



WEB COPY



W.P.No.8654 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8654 of 2023

and

W.M.P.Nos.8834 & 8836 of 2023

Elumalai

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by The Collector of Tiruvannamalai.

2. The Thasildar,
Mathalangulam, Tiruvannamalai,
Tamil Nadu 606 601.

3. Veeran

4. Karunanidhi

... Respondents

(R4 Karunakaran amended as Karunanidhi as per order dated 13.09.2023 by SMSJ made in W.M.P.No.11215/2023 in W.P.No.8654/2023)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to quash the order in NA-MU.EN.C4 / 11318 / 2021 dated 04/08/2022, on the file of the 1st respondent as illegal, arbitrary and manifestly erroneous and further direct the respondents to not to cancel the patta that stands in the name of the petitioner.



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For Petitioner : Mr.Sunny Sheen Akkara for
Mrs.V.Srimathi

For Respondents
(for R1 & R2) : Mr.T.Arun Kumar,
Additional Government Pleader
(for R3) : Mr.G.Mohan
(for R4) : Mr.Not ready in notice

ORDER

The writ on hand has been instituted questioning the order passed by the District Collector Thiruvannamalai, in proceeding dated 04.08.2022.

2. The petitioner is the subsequent purchaser of the subject land. The petitioner states that his father C.Seenu Naidu was an assignee in respect of the subject property described in the present writ petition. Consequently, the family members of the petitioner are in absolute possession and enjoyment of the subject property.

3. Respondents 3 and 4 attempted to disturb the petitioner from cultivating the subject land. The petitioner issued a lawyer's notice. A complaint was sent to the National Commission for Scheduled Caste and the Commission directed the District Collector to conduct an inquiry.



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Pursuant to the directions of the National Commission for the Schedule Caste, the District Collector Thiruvannamalai conducted an inquiry by verifying the Revenue Records and the conditional assignments were made.

4. The District Collector, received the reports from the Revenue Divisional Officer Thiruvannamalai dated 31.01.2022. Based on the report, it is found that the original assignment was made in the name of K.Veeran who belongs to Adi Dravida community. The land was assigned and notification was issued in Government Gazette. It was a conditional assignment made by the Revenue Authorities. Since the original assignees had violated the conditions stipulated in the assignment order, the assignment itself was cancelled in ROC No.275/35. Thereafter, the land was reclassified as "Tharisu" and vest with the Government after updating the UDR Register.

5. The petitioner was a subsequent purchaser and petitioner belongs to Hindu Caste community. Therefore, the assignees had violated the conditions, thus, the said assignment was cancelled by the competent authorities and the subject lands were resumed by the authorities by



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effecting necessary changes in the UDR Register. RSO 15 empowers the authorities to cancel the assignment in the event of any violation. Once the assignment is cancelled, the land vest with the Government absolutely. The land has been classified as “Tharisu” and thereafter, actions are to be initiated to re-assign the land for eligible persons or the Government at its discretion to utilise the land for public purposes.

6. In the present case, the District collector, in the impugned order, has clearly stated that the subject land was a "Panjami" land and was assigned in favour of the landless poor Adi Dravida person who had violated the conditions because of which, the assignment was cancelled and thereafter, the subject land was resumed by the Government by invoking the powers conferred under RSO 15 and thus, the petitioner has not established any right for the purpose of considering his case.

7. The learned counsel for the petitioner states that there is a dispute in respect of the possession of the subject property. Once the assignment was cancelled and the Government resumed the land, mere symbolic resumption is insufficient. The authority competent shall ensure that no one enters into the Government land, which has already been resumed.



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Thus, the respondents 1 and 2 are directed to conduct a field inspection and initiate all appropriate actions to protect the Government land until it is utilised in accordance with the procedures as contemplated.

8. With these directions, the writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

13.09.2023

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

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S.M.SUBRAMANIAM. J.,

(sha)

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