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W.P. No.11491 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.11491 of 2021

V.Kamaraj

... Petitioner

Vs.

1. The District Collector
Dharmapuri District
Dharmapuri

2. The Revenue Divisional Officer
Harur
Dharmapuri District

3. The Tahsildar
Pappireddipatti Taluk
Dharmapuri District

4. Bhanumathi

... Respondents

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 and 2 to cancel the pattas issued to the 4th respondents in patta Nos. 302, 303, 304 and 305 with respect to the Depressed Class Lands in Survey Nos.9/1, 9/2, 9/5 and 10/2 situate in Allalapatti Village in Pappireddypatti Taluk, in Dharmapuri District and take back the same and allot the same to the petitioner based on the petitioner's representation dated 05.02.2021 within a time frame fixed by this Court.



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For Petitioner : Mr.S.Sathia Chandran
For Respondents : Mr.P.Gurunathan
Additional Government Pleader
for R1 to R3
Mr.Sunny Sheen for
M/s.V.Srimathi for R4

ORDER

The Writ Petition is filed seeking to issue a writ of Mandamus directing the respondents 1 and 2 to cancel the Pattas issued to the 4th respondent in Patta Nos. 302, 303, 304 and 305 with respect to the Depressed Class Lands in Survey Nos.9/1, 9/2, 9/5 and 10/2, situate in Allalapatti Village in Pappireddypatti Taluk in Dharmapuri District and take back the same and allot the same to the petitioner, based on the petitioner's representation dated 05.02.2021 within a time frame that may be fixed by this Court.

2. The petitioner's grandfather was assigned D.C. Land in Survey Nos.9/1, 9/2, 9/5 and 10/2, situate in Allalapatti Village in Pappireddypatti Taluk in Dharmapuri District. After the death of his grandfather, the said property was in possession and enjoyment of the petitioner's father and his brother. Thereafter, the petitioner's father executed a sale deed in favour of



his brother who is a visually challenged person. One Naina Gounder got transferred the said lands in his name by way of registered sale deed. Therefore, the assignment was cancelled. Now the 4th respondent is in possession of the property on the ground that she has title over the property. Hence, the petitioner made representation seeking to cancel the patta issued to the 4th respondent and to issue patta in his favour.

3. The learned counsel for the 4th respondent submitted that the petitioner has no locus-standi to file the writ petition invoking Article 226 of Constitution of India.

4. Heard both sides and perused the materials available on record.

5. In the counter affidavit filed by the Revenue Divisional Officer, Dharmapuri Revenue Division, Dharmapuri District, in WP No.18329 of 2008, it was clearly admitted that the land was allotted to Depressed Class and subsequently, it was sold to non Depressed Class persons. Therefore, the assignment was cancelled. When there is impeachment/violation of conditional assignment, the Government Authorities can always cancel the



assignment and allot the same to a fit person. Either the non Depressed Class person or encroachment cannot be recognized. Therefore, the Patta issued in the name of the 4th respondent is set aside.

6. Once a land is allotted to Depressed Class person and in case the Patta is cancelled for violation of conditional assignment, then authorities have to find out a fit person from the Depressed Class and grant the assignment. But it cannot be assigned to non Depressed Class persons.

7. In this case, the Government has violated the basic principles. Therefore, the 2nd respondent is directed to initiate proceedings to evict the 4th respondent and also find out a fit person from the Depressed Class and give the assignment.

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

30.11.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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P.VELMURUGAN. J.

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