



WEB COPY

W.P.Nos.12419, 12423, 12425, 12426 & 12429 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.12419, 12423, 12425, 12426 & 12429 of 2023

and

W.M.P.Nos.12249, 12253, 12255 to 12257 & 12260 of 2023

- | | |
|--------------|---|
| 1.Anjalai | ... Petitioner
in W.P.No.12419 of 2023 |
| 2.Devaki | ... Petitioner
in W.P.No.12423 of 2023 |
| 3.Muniammal | ... Petitioner
in W.P.No.12425 of 2023 |
| 4.Murugammal | ... Petitioner
in W.P.No.12426 of 2023 |
| 5.Devaki | ... Petitioner
in W.P.No.12429 of 2023 |

Vs.

- 1.The State of Tamil Nadu
Rep. by the District Collector
Thiruvannamalai District
Thiruvannamalai.
- 2.The District Revenue Officer
Thiruvannamalai District,
Thiruvannamalai.



3.The Tahsildar
Vandavasi Taluk
Thiruvannamalai District.

... Respondents
in 5 WPs

Common Prayer: Writ Petitions have been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the order passed in Na.Ka.ஆ1/15647/2015 dated 02.04.2022 and to quash the same and consequently direct the first respondent to declassify the land in S.No.4/B1, in Kilseesamangalam Village, Vandavasi Taluk, Thiruvannamalai District form Thoppu Poromboke to dry (புண்ணெய் தரிசு) land and allot 2 acres each to the petitioners as per the recommendations by the 3rd respondent dated 01.08.2007 and as per the orders of this Court dated 18.02.2015 passed in W.P.No.1888 of 2015 and order dated 06.12.2021 passed in W.P.Nos.22576, 22579, 22583 and 22589 of 2021.

For Petitioners : Mr.S.Baskaran
(in 5 WPs)

For Respondents : Mr.Abishek Murthy
Government Advocate
(in 5 WPs)



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COMMON ORDER

The order of the 1st respondent rejecting the claim of the petitioners to assign the Government land is sought to be quashed in these present writ petitions.

2. The petitioners state that the scheme for distribution of 2 acres waste land to the families of the landless poor agriculturist were introduced and under this scheme the Government Poramboke lands are developed into cultivable lands and the petitioners state that they are also eligible to avail the benefit of the scheme. The petitioners state that they were in possession of the portion of the land and the Tahsildar also recommended the case of the writ petitioner for grant of assignment in respect of the said land. The recommendation was sent by the Tahsildar in the year 2007 and the petitioners earlier filed writ petition in W.P.No.1888 of 2015 to consider their representation and this Court passed an order on 18.02.2015, directing the Tahsildar to consider the request of the petitioner on merits and in accordance with law.



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3. Again the petitioner filed a writ petition in W.P.Nos.22576, 22579, 22583 and 22589 of 2021 and this Court passed a common order dated 06.12.2021, directing the 1st respondent therein to pass orders on their request made by the petitioners as directed by this Court in W.P.No.1888 of 2015 dated 18.02.2015.

4. Interestingly, the petitioners filed a writ petition in the year 2015, wherein, this Court directed the authorities to pass orders on the representation. Thereafter, six years lapsed and no order has been passed. Again the writ petitioners filed writ petitions to assign the land and in the said writ petitions also this Court directed the authorities to consider the representation and pass appropriate orders on 06.12.2021. Both the writ petitions were not decided on merits. However, a direction was issued to the authorities to consider the representation. Finally, the District Collector passed an order through an impugned proceedings dated 02.04.2022.

5. The learned counsel for the petitioners states that the petitioners are eligible to avail the benefit of the assignment scheme and therefore, the



authorities ought to have consider the name of the petitioners for grant of assignment under the scheme.

6. Perusal of the order would reveal that the subject property is a promboke land belonging to the Government. The petitioners submitted applications to assign the said land. The said land is situated adjacent to the State Highways and therefore, the said land is required for developing Government Hospitals, Electricity Board Offices, Highways Department and further for the benefit of the public at large. When the subject land is situated adjacent to the highways and the District Collector on inspection found that the said land is required for the development of Government Offices and other public requirements, then the claim of the petitioners for assigning the said land cannot be considered by this Court.

7. Assignment can never be claimed as a matter of absolute right. Assignment of a Government land is to be granted strictly in accordance with the rules in force and considering various other public interests involved. When a particular land is situated adjacent to the highways and those lands are required for developing government infrastructural facilities for the



purpose of public interest, then the decision taken by the District Collector rejecting the application submitted by the petitioner cannot be construed as infirm.

8. That apart, the District Collector has stated that there is no Government order to assign 2 acres of land to the petitioners as of now. The scheme of the year 2006 had been withdrawn in the year 2011 and therefore, the benefit of the lapsed scheme cannot be extended more specifically for the purpose of assigning the Government land measuring 2 acres. This being the factum established, the petitioners are not entitled for the relief.

9. The learned counsel for the petitioners states that the report of the Tahsildar, recommending the cases of the writ petitioners were not received by the District Collector. The recommendation of the Tahsildar alone cannot be a ground to assign 2 acres of land in favour of the petitioners. The recommendation, even if made by the Tahsildar, is not binding on the District Collector, who in turn decided the issues based on the merits and considering the fact that the land is required for developing public infrastructure facilities.



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10. Accordingly, these Writ Petitions stand dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

24.04.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

1.The District Collector
The State of Tamil Nadu
Thiruvannamalai District
Thiruvannamalai.

2.The District Revenue Officer
Thiruvannamalai District,
Thiruvannamalai.

3.The Tahsildar
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S.M.SUBRAMANIAM, J.

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