



W.P.No.33077 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33077 of 2014

and

M.P.No.1 of 2023

1. N.Parasuraman
2. P.Sivakami
3. S.Malar
4. V.Shobana

... Petitioner

Vs.

1. The Additional Chief Secretary /
Commissioner for Land Administration,
Ezhilagam, Chepauk, Chennai-5.
2. The Secretary to Government,
Revenue Department,
Fort St. George, Chennai-9.
3. The Principal Secretary-cum-
Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai-5.
4. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
5. The Tashildar,
Taluk Office, Vandavasi-604408
Thiruvannamalai District.

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 3rd Respondent in Rc.G2/203/11 dated 17.12.2012 which rejects the Appeal dated 15.10.2010 submitted by the petitioners for the purpose of issuance of patta and quash the same as illegal and consequently direct the respondents to issue patta in the name of the petitioners in respect of land situated in Survey Nos. 77-1, 77-2, 77-3, 77-4, of the total extent of 2.95.0 hectares at Thalampallam Village, Vandavasi Taluk, Thiruvannamalai District on the basis of the Recommendation of Thasildhar, Vandavasi Taluk.

For Petitioner : Mr.V.Ramana Reddy

For Respondents :
(for R1 to R5) : Mr.D.Ravichander, Spl.G.P.

ORDER

The order of rejection rejecting the revision petition filed by the writ petitioner, in proceeding dated 17.12.2012, by the Commissioner of Land Administration, is under challenge in the present writ petition.

2.The petitioner states that he belongs to Adi Dravida Community and is in continuous possession and enjoyment of Maikkal Porambokku land for the past several years. The petitioner is cultivating the land and leading his life. The learned counsel for the petitioner states that the



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petitioner is in occupation of the said Meikkal Porambokku land for several years and he is cultivating the said land and therefore, the authorities ought not to have rejected the application submitted by the petitioner to assign the land in his favour. The original authority rejected the claim of the writ petitioner and thereafter, the petitioner preferred the revision petition before the Commissioner of Land Administration, who in turn also rejected the claim of the writ petitioner on the ground that the subject land is a grazing ground which cannot be assigned in favour of the writ petitioner.

3.The respondent/ District Collector filed a counter affidavit stating that Mr.N.Parasuraman, son of Late Natesan (Petitioner) submitted an application for free assignment of lands comprised in Survey No.77, measuring 2.95.0 Hectares at Thalapallam Village . The said land has been classified as Grazing lands (Meikkal Porambakku land). There were objections, claims and counter claims from the local villagers. Thus, the application submitted by the petitioner could not be considered on merits. The Petitioner filed a civil suit in O.S.No.314 of 1996 on the file of the District Munsif Court, Vandavasi for permanent injunction, restraining the respondents not to issue B Memo in the name of Ashokan, son of



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Ramalingam. The above suit was dismissed on 16.08.2004 with a direction to the District Collector and the Tahsildar concerned to decide whether the petitioners are eligible to get patta for the suit property. Since the petitioners were found not eligible for free assignment of patta, the claims of the petitioners were rejected by the competent authority. On enquiry by the revenue authorities, it is found that the petitioners own private land at Thennagur Village, own residential building at Vandavasi and so they are not falling under the criteria of the poverty line.

4.Free assignment of land cannot be claimed as an absolute right. Free assignments are granted by the Government based on various factors and criteria. In the present case, the subject land has been classified as Meikkal Porambokku (Grazing land) and therefore, it cannot be assigned in favour of any person. More so, the authorities found that the petitioners are not falling under the poverty line and are owning lands and residential buildings. In any event, the claim for free assignment cannot be considered by the High Court in a writ proceedings as the persons submitting application cannot have any right to claim such assignment. However, assignments or free patta are to be granted only by the Government by following a scheme which is to be based on certain eligibility criteria. This



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being the factum established, this Court does not find any infirmity in respect of the order of rejection passed by the respondents.

5. Accordingly, the writ petition stands **dismissed**. No costs.

Consequently, connected miscellaneous petition is closed.

(sha)

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Index : Yes

Speaking Order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM. J.,

(sha)

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