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W.P.Nos.19690, 20048 & 20054 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.19690, 20048 & 20054 of 2023 &
W.M.P.Nos.18972, 18974 & 19402 of 2023

1.K.Natarajan
2.K.Thangavel
3.K.Duraisamy ...Petitioners in W.P.No.19690 of 2023

Ramasamy ...Petitioner in W.P.No.20048 of 2023

Kamatchiammal ...Petitioner in W.P.No.20054 of 2023

Vs.

1.The Secretary to the Government,
Revenue Department, Fort St. George,
Chennai

2.The District Collector,
Tiruppur,
Tiruppur District.

3.The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.

4.The Tahsildar,
Madathukulam,
Tiruppur District.

..Respondents in all W.Ps.



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Common Prayer : Writ Petitions filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 2 to 4 to consider the petitioners' representation dated 14.06.2023 for assignment of land comprising in S.No.330/A1C8, 330/A1C1 & 330/A1C7 situated at West Kumaralingam Village, Madathukulam Taluk, Tiruppur District or assign any other land.

For Petitioners
in all W.Ps.

: Mr.K.Myilsamy

For Respondents 1 to 4
in all W.Ps.

: Mr.D.Ravichander,
Special Government Pleader

COMMON ORDER

The relief sought for in these writ petitions is to direct the respondents 2 and 4 to consider the representations submitted by the writ petitioners on 14.06.2023 for assignment of land comprised in S.No.330/A1C8, 330/A1C1 & 330/A1C7 situated at West Kumaralingam Village, Madathukulam Taluk, Tiruppur District.

2. Assignment of land cannot be claimed as an absolute right by any person. All assignments of Government Lands are to be made scrupulously



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in accordance with the terms and conditions and not by discriminating the eligible landless poor persons. The Government being a Welfare State implementing schemes for the benefit of the landless poor people. While doing so, it is to be considered strictly in accordance with the terms and conditions and by considering all the eligible persons in an equal manner. It is not as if the Government can assign land at their instance which would result in an unconstitutionality and causing discrimination to the eligible citizens who are all waiting to secure such lands to lead their livelihood. Thus, the implementation of welfare assignment scheme is to be made by taking note of the equality clause enunciated in the constitution.

3. High court cannot issue a direction to assign the land and in the event of issuing any such direction, the same would cause prejudice to the interest of all other eligible persons who all are waiting to secure such assignment from the hands of the Government. Therefore, a writ proceeding seeking an assignment of land is not a solution for an aggrieved person, since the High Court cannot conduct a roving enquiry regarding the eligibility of a person to get such assignment of land at free of cost from the hands of the Government.



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4. In these writ petitions, the lands were assigned in the year 2004 and the assignees failed to pay cost, fixed for such assignment. Therefore, it is to be construed that the petitioners are in possession in an illegal manner as the cost fixed by the Government has not been paid by them.

5. The District Collector, Tiruppur has given a written instruction to the Additional Government Pleader, High Court in his letter dated 13.07.2023 stating that the petitioners have been issued notice to pay the land cost to the Government assignment of said land. The District Collector, Coimbatore in proceedings dated 10.10.2004 directed the Sub Collector, Pollachi to receive the land cost of Rs.1,59,140/- each from the petitioners and issue the assignment orders. Accordingly, on the directions of the Sub Collector, Pollachi, the Tahsildar, Udumalpet had issued notice to the petitioners in Ref.No.13326/98/B2 dated 22.11.2004 to pay the cost of the above land to the Government. The petitioners have not paid any amount to the Government at that time and hence, further process of assignment was stopped and kept as Government Poromboke Land. Subsequently, the petitioners have filed civil suit in O.S.No.56/2020 on the file of the District Munsif Court, Udumalpet and the suit was subsequently transferred to Munsif Court, Madathukulam which is pending.



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6. The District Collector has further stated that the request of the petitioners for assignment of land cannot be considered as they did not pay the land cost in the year 2004. Generally the value of the land has increased manifold and land has become a scarce commodity. The Government is finding it difficult to identify the lands for housing or industrial development. The land has become precious and the Government land cannot be assigned indiscriminately. Further no suitable land is available for assignment in Komaralingam West Village, Madathukulam Taluk, Tiruppur District. Therefore, the request of the petitioners for assignment of land cannot be considered and needs to be rejected.

7. When the District Collector has taken a stand based on the prevailing situation and considering the sky-rocketing market price of the lands across the country, there is no reason to interfere with the stand taken by the District Collector.

8. This being the factum, merely directing the respondents to consider the representations would do, no service to the cause of justice and the



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petitioners will be back again before the High Court by filing another writ petition.

9. In view of the facts and circumstances, the writ petitioners have not established even a semblance of legal right for the purpose of considering the relief as such sought for in these writ petitions. Accordingly, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

14.07.2023

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Index : Yes

Speaking order

Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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