



WEB COPY

W.P.No.28405 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28405 of 2017
and
W.M.P.Nos.30499 to 30501 of 2017

Nirmala

... Petitioner

Vs.

1.The Additional Chief Secretary /
The Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

2.The District Collector,
Namakkal District,
Namakkal.

3.The Tahsildar,
Rasipuram Taluk,
Namakkal District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 1st respondent in Proc.Rc.No.F2/8550/2017, dated 18.08.2017 and to quash the same.



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For Petitioner	: Mr.K.M.Arun for Mr.S.Senthil
For Respondents	: Mr.G.Krishna Raja, Additional Government Pleader

ORDER

The order dated 18.08.2017 issued by the 1st respondent / Additional Chief Secretary of the Land Administration, cancelling the assignment granted in favour of the writ petitioner is under challenge in the present writ petition.

2. The petitioner states that the Government land was assigned in her favour to an extent of 0.32.5 Hectares in Athanur Village, Rasipuram Taluk, Namakkal District comprised in Survey No.198/3. She further states that she was cultivating the land and Mr.K.Logamani, S/o Mr.Karuppa Gounder, who is the brother of the husband of the writ petitioner filed a writ petition in W.P.No.18664 of 2014, challenging the assignment of the Government land made in favour of the writ petitioner. The High Court passed an order on 16.07.2014, directing the District Collector to conduct an enquiry and pass appropriate orders on merits. Based on the complaint given by the



brother of the husband of the writ petitioner, the competent authority conducted an enquiry and found that the husband of the petitioner was working in a private concern and the family of the petitioner is owning an extent of about 2.1 acres of land.

3. The very purpose and object of free Government land to poor landless people is to ensure their livelihood and for their upliftment. The Government land at free of cost cannot be assigned in favour of the persons, who all are working in a Government / Private sector or owning any property. In the present case, the husband of the petitioner is working and more so, the family of the petitioner owns land to an extent of 2.1 acres. Therefore, the petitioner cannot be construed as a landless poor person. Considering the fact that the petitioner is not eligible to get assignment of the Government Land, the 1st respondent / the Commissioner of Land Administration cancelled the assignment earlier granted in favour of the writ petitioner.

4. The findings of the 1st respondent / the Commissioner of Land Administration unambiguously reveals that the petitioner is not eligible for



assignment land at free of cost. Furthermore, there is a gross violation of the conditions stipulated in the assignment. This being the factum, the petitioner is not entitled for assignment of Government Land at free of cost. The order passed by the 1st respondent / the Commissioner of Land Administration is in consonance with the scheme and the principles laid therein.

Accordingly, the writ petition stands dismissed. Consequently, the connects miscellaneous petitions are closed. No costs.

13.07.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

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Namakkal District,
Namakkal.

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

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