



WP.No.9096 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

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G.Gayathri

.. Petitioner

Versus

1.The District Collector
Office of the Collectorate
Dharmapuri District

2.The Revenue Divisional Officer
Office of the RDO
Harur
Dharmapuri District

3.The Tahsildar
Office of the Tahsildar
Pappireddipatti Taluk
Dharmapuri District

4.Parthasarathy

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.3136/2023/B3 dated 15.03.2024 on the file of the 3rd respondent and quash the same and consequently direct the 3rd respondent to evict the Lease Holder of Narasus Coffee in land in Survey No.142/2 to an extent of 0.51.0 hectare which is illegal and contra to the Revenue Board Standing Orders and also against the judgment delivered by the Hon'ble Apex Court which is reported in (1984) 3 SCC 301 cited in W.P.Nos.17467 of 1996 series dated 07.11.2008 and to resume and reassign the Lease Out land in Survey No.142/2 to an extent of 0.51.0 hectare to the petitioner.



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For Petitioner : Mr.Arockia Mani Raj
For Respondent : Mr.U.Baranidaran
Additional Government Pleader

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ORDER

This writ petition is filed challenging the Order passed by the Tahsildar dated 15.03.2024, wherein, the request of the petitioner to allot the land which was originally leased out to provide individual has been rejected.

2. The case of the petitioner is that she belong to Adi-Dravida Scheduled Caste community and to the category of person with disability or otherwise abled person. Since, the Government has Tharisu land as Depressed Class reserved for the benefits of the Scheduled Caste, the subject land in Survey No.142/2 is classified as Depressed Class land and she is eligible for assignment of the said land. Hence, she made a representation to the first respondent on 17.05.2023 seeking for assignment in her favour, which was not considered.

3. Thereafter, it appears that the writ petitioner was originally filed a W.P.No.31680 of 2023 to assign any Government Tharisu Lands reserved and classified as Depressed Class (DC) Land to assign for Scheduled caste or the land in Survey No.142/2 to an extent of 0.51.0 hectare or 142/4 to an extent of



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0.20.5 hectare, which are classified as conditional Depressed Class land situated in Kolimakkanur Revenue Village, Pappireddipatti Taluk, Dharmapuri District. This Court, by order dated 06.11.2023 without expressing any opinion with regard to the merits directed the third respondent to consider the representation and pass appropriate orders. Pursuant to the same, the present impugned order is passed.

4. The main contention of the learned counsel for the petitioner is that since the land is classified as Depressed Class land, the same ought not to have been allotted to other community. Therefore, her request should not have been rejected by the third respondent and seeks to set aside the impugned order.

5. Heard both sides and perused the materials placed on record. On perusal of the record particularly the order impugned, the Survey No.142/2 has been sub-divided to various categories, though the land was originally shown as Government Poramboke land were allotted to school and various Government offices and some of the lands in Survey No.142/2 already leased out to the third parties by the Government in the year 1988. The lease period is 99 years in a proceedings in E3/34389/2004. Once the Government has already executed the lease, interest in favour of lessee is created to enjoy the



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land. Such being the position, under the pretext of seeking allotment of the land, now the writ petitioner is trying to dispossess the lessee from the land which cannot be permitted in the eye of law.

6. Though it appears that she sought allotment only in respect of unoccupied portion in Survey No.142/2. It is to be noted that she has specifically sought to allot the land which is the subject matter of the lease of the year 1988. This Court is of the view that making such requests to dispossess someone who is already in legal possession as a lessee, the motive of the writ petitioner can be easily discernible. Such view of the matter, this Court is of the view that the writ petitioner cannot seek assignment of land as a matter of right that too when the land is already in legal possession of the third party. Accordingly, I do not find any infirmity in the impugned Order.

7. In view of the above, this writ petition stands dismissed. No costs.

03.04.2024

dhk
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No



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To,

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N. SATHISH KUMAR, J.

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