



WEB COPY



WA No.1263 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.07.2024**

CORAM:

THE HONOURABLE MR.**JUSTICE R.SUBRAMANIAN**

and

THE HONOURABLE MR.**JUSTICE R.SAKTHIVEL**

WA No.1263 of 2024

1.R.Elumalai

2.Rathinakumari

: Appellants

versus

1.The Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai 600 005

2.The District Collector,
Villupuram District

3.The District Revenue Officer,
Villupuram District

4.The Sub-Collector/ Revenue Divisional Officer,
Tindivanam, Villupuram District

5.The Tahsildar,
Melmalayanur Taluk,
Melmalayanur,
Villupuram District

6.The Village Administrative Officer,
Avalurpettai Village,
Melmalayanur Taluk,
Villupuram District



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7.The Block Development Officer,
Panchayat Union Office,
Melmalayanur Taluk,
Villupuram District

8.The Village President,
Avalurpettai Village,
Melmalayanur Taluk,
Villupuram District

: Respondents

Writ appeal filed against the order of learned Single Judge in WP No.8190 of 2023 dated 24.07.2023.

For the Appellants : Mr.T.K.Kulasekaran

For the Respondents : Mr.A.Selvendiran,
Special Government Pleader

JUDGMENT

(made by R.SUBRAMANIAN, J.)

The appellants are aggrieved by the dismissal of their writ petition in WP No.8190 of 2023, dated 24.07.2023.

2. The challenge in the writ petition was to the order of the third respondent, District Revenue Officer, Villupuram District, cancelling the assignment granted in favour of first appellant, his sister, daughter, wife and mother. Of course, wife of the first appellant figures as the second appellant. Mother of the first appellant is no more. The other assignees, viz., sister and daughter of the first appellant have not challenged the cancellation order.



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3. The family of the first appellant obtained orders of assignment with reference to an extent of 6.79 cents in Survey Numbers 150/21, 150/22, 150/23 and 150/24 of Avalurpettai Village, Villupuram District, on 15.07.2005. The said assignments were made under Revenue Standing Orders 21 (for short, 'RSO 21') which authorises the Tahsildar to grant assignment of Grama *natham* lands (unoccupied *natham*) which are at the disposal of the Government.

4. Upon a complaint by a third party that the assignments are in violation of the provisions of RSO 21 and that the conditions of assignment have been breached, an inquiry was launched by the District Revenue Officer. After giving opportunity to the assignees, the District Revenue Officer, by his proceedings dated 07.09.2017, cancelled the assignment. The first appellant who appeared for inquiry before the District Revenue Officer claimed that the land remains vacant and he should be permitted to put-up construction. Assignment orders issued on 15.07.2005 under RSO 21 contain a condition that the assignees should put-up construction within a period of six months to one year in the land assigned, and if the conditions are breached, the Government will be at liberty to cancel the assignment.



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5. Though it is the contention of Mr.T.K.Kulasekaran, learned counsel for the appellants, that constructions have been put-up, the order impugned in the writ petition shows that that the first appellant himself has admitted that he has not put-up construction and he had sought for permission to put-up construction in the year 2017. He has also deposed that he has no other land in his name. Contrary to the said fact, patta issued under the *Natham* Settlement Scheme in favour of the first appellant has been produced by him to show that he is in possession of at least 357 sq.meters, equivalent to 3,800 sq.ft. of land in Survey Nos.149/18 and 150/9 of the very same village. RSO 21 does not prohibit assignment of land to a person who is possessed of some land in village but it provides that care should be taken that assignment is not granted to persons who are already possessed of enough land for their reasonable requirement. That is the precise reason why the first appellant has cleverly obtained assignments in the names of the female members and the authorities have also obliged him by granting such assignment in the name of his wife, mother, sister and daughter. The fact that construction has not been put-up is admitted. It is also seen that the sister and daughter of the first appellant are not residing in Avalurpettai village at all. While the sister is residing in Thenmalai Village of Tiruvannamalai District, daughter is residing in Vengikkal Village of Tiruvannamalai District. Mother is no



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more. Hence, it is clear that the assignment conditions have been breached by the assignees.

6. Mr.T.K.Kulasekaran, learned counsel for the appellants would contend that the land being classified as *Grama Natham*, doest not vest with the Government and the Government not being the paramount title-holder, is not entitled to resume the grant. The said proposition of law would apply only in cases of occupied *natham* lands and not unoccupied *natham* lands, which are assigned under RSO 21. Having accepted the assignment from the Government, it is not open to the appellants to now contend that the Government is not the paramount title-holder.

7. In view of the above, we do not see any merit in the appeal. The appeal fails and the same is accordingly dismissed. There shall be no order as to costs. Consequently, CMP No.9247 of 2024 is closed.

(R.S.M., J.) (R.S.V., J.)
04.07.2024

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