



W.P. No.23769 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P. No.23769 of 2024

S.Kaveri

... Petitioner

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The District Revenue Officer,
Dharmapuri.

3.The Tahsildar,
Palacode Taluk, Palacode,
Dharmapuri District.

4.The Block Development Officer (VP),
Palacode Panchayat Union,
Palacode Taluk, Dharmapuri Taluk,
Dharmapuri District.

5.The President,
Koravandahalli Panchayat,
Palacode Panchayat Union,
Palacode Taluk, Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus calling for the records



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relating the impugned order passed by 2nd Respondent herein in his proceedings Na.Ka.No.9308/2022/tha.2 dated 29.06.2022, quash the same as unsustainable and issue consequential direction to the respondent 1 to 3 herein to allot and assign the waste land of an extend of 2 acres in S.No.284, Koravandahalli Village, Palacode Taluk, Dharmapuri District to the petitioner, “Serving Soldier in the Indian Army Scheme” forthwith.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.A.Selvendran
Special Government Pleader (for R1 to R3)

Mr.P.Ganesan
Government Advocate (for R4 & R5)

ORDER

Aggrieved by the order passed by the 2nd Respondent negating the request of the petitioner seeking assignment of the land situated in Survey No.284, Koravandahalli Village, Palacode Taluk, Dharmapuri District. The petitioner has come before this Court.

2. It is the case of the petitioner that he served as a Sepoy in the Indian Army from 20.10.2003 to 31.10.2020. After retirement, he submitted an application before the Respondent officials seeking assignment of land under the category of Ex-Servicemen. The 1st Respondent by impugned order negated the request of the petitioner.



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3. The learned counsel appearing for the petitioner submits that the request of the petitioner for assignment was negatived by the 2nd Respondent mainly on the ground that the petitioner has been in receipt of pension. The learned counsel further submits that receipt of pension is not a ground to reject the request of the Ex-Serviceman.

4. The learned Additional Government Pleader appearing for Respondents 1 to 3 would submit that the petitioner is receiving a pension of Rs.24,000/- per month and he also owns a thatched house measuring about 600 sq.ft., and the petitioner's wife is running a petty shop and earning an income of Rs.3,000/- per month. Taking into consideration the financial position of the petitioner, the request has been rejected by the 2nd Respondent.

5. Receipt of pension by an Ex-serviceman cannot be a ground to reject the request sought for. Every Ex-serviceman will get pension for the service rendered by them in the armed forces. The Government at the time of framing the Revenue Standing Orders was aware that Ex-servicemen would receive pension from the Government and notwithstanding the same Ex-servicemen were held to be one of the category entitled to seek assignment of patta under Revenue Standing Order 15. As far as objection raised by the 2nd Respondent



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that the petitioner owns a thatched house is concerned, the same is used for dwelling purpose and does not earn any income. Therefore, the reasons given by the 2nd Respondent for negating the request made by the petitioner are untenable in law. It is also stated in the impugned order that the petitioner's wife is running a petty shop and earning an income of Rs.3,000/- per month. However, no material is placed before this Court to substantiate the said fact.

6. The Revenue Standing Order 15(3) ii(c) reads as follows:

“ 15.

(3)(ii)(c)The categories of eligible poor persons namely being members of Scheduled Caste/ Scheduled Tribes and Ex-servicemen and their dependants, etc., should not be considered, when one has become a Government servant. The financial status and the income are to be taken into consideration on assignment.”

7. A reading of the above provision would make it clear that Ex-Servicemen are not entitled to claim assignment only in case where they have become Government servants. In all other cases taking into consideration the financial status and income, the request for assignment can be considered. In the case on hand, the petitioner is not having any other income except the pension received by him for the service rendered in the armed forces. Therefore, the



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order passed by the 2nd Respondent negating the request of the petitioner is not in accordance with Revenue Standing Orders. Accordingly, the impugned order is liable to be set aside.

8. It is also stated in the impugned order that the land mentioned by the Ex-Serviceman is classified as a Kallan kuthu Poramboke”. If the land requested by the petitioner cannot be considered for assignment because of its classification, it is always open to the 2nd Respondent to consider assignment of any other available land.

9. In view of the same, the impugned order is set aside and the writ petition stands allowed. The 2nd Respondent is directed to consider the request of the petitioner in the light of the Revenue Standing Order 15(3)(ii)(c) and pass final orders within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

22.10.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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S. SOUNTHAR, J.

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