



WEB COPY



W.A.No. 95 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Writ Appeal No.95 of 2023
and
C.M.P.Nos.920 & 922 of 2023

1.Govindammal
2.M.Thimmaraj

... Appellants

Vs.

1.The State of Tamil Nadu
Represented by Secretary to Government,
Revenue Department,
Fort St.George, Chennai – 9.

2.The District Collector,
Office of the District Collector,
Krishnagiri District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P.No.6565 of 2020 dated 22.08.2020 and to quash the order passed by the 2nd respondent in Ne.Mu.No.8766/2011/H2 dated 31.01.2020 and to direct the respondents to grant assignment patta in favor of the petitioners in respect of the subject property in S.No.2/1 to an extent of



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2.60 acres of Agasipalli Village, Krishnagiri Taluk.

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For Appellants : Mr.R.Ganesan

For Respondents : Mr.P.Muthukumar
State Government Pleader

J U D G M E N T

(Judgment of the Court delivered by S.M.SUBRAMANIAM,J.)

The intra-Court appeal on hand has been instituted challenging the order dated 22.08.2022 passed in W.P.No.6565 of 2020.

2. The Writ Petitioners are the appellants before us. The order of rejection rejecting the claim of the petitioners to assign Government land to an extent of 3 acres at Agasipalli Village, Krishnagiri Taluk and District is under challenge in the present writ proceedings.

3. The writ Court has considered the facts elaborately. The petitioners claimed assignment of Government land to an extent of 3 acres under the Ex-servicemen Quota. Initially, the petitioner filed W.P.No.16652



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of 2010 and the writ Court directed the District Collector, Krishnagiri to consider the application submitted by the petitioner and dispose of the same on merits. Pursuant to the directions, the order dated 31.01.2020 was issued by the District Collector, Krishnagiri. The claim of the writ petitioners were elaborately considered, with reference to the statements furnished by the writ petitioners. The Report of the Tahsildar and the statement of the Village Administrative Officer concerned were recorded by the District Collector. Finally, a decision was taken by the District administration that the subject property claimed by the petitioners is falling within the radius of one kilometre from the District Headquarters i.e. Krishnagiri. Further reasons stated by the District Collector is that the appellant/Govindammal W/o. Mariappan is owning house sites in the same village. More so, there is no Government Scheme for grant of free Patta in favour of individuals. In the absence of any such scheme, free Patta in respect of Government land cannot be considered.

4. Mr.R.Ganesan, learned Counsel for the appellants would submit that the case of similarly placed persons were considered and Patta was granted in the year 2003. Thus, the appellants alone cannot be discriminated.

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However, such a claim considered by the Government in the year 2005 would not confer any right to the appellants to claim assignment of Government Land at free of cost to an extent of about 3 acres, more so, within one kilometre radius of District Headquarters at Krishnagiri.

5. Assignment *per se* cannot be claimed as an absolute right. Assignment of Government lands are made under the Government Schemes and for the benefit of the poor homeless people. The appellants are already owning house sites in the Village. More so, they are receiving pension from the Government of India. Considering all the factual aspects and the grounds raised in the writ petition was dismissed. We do not find any infirmity in respect of the reasons assigned both in the order passed by the District Collector and in the writ order passed.

6. In view of the facts and circumstances, the appellants have not established any semblance of legal right for grant of assignment of Government land to an extent of 3 acres within the radius of one kilometre from the District Headquarters.



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7. Mr.A.Selvendran, learned Special Government Pleader would submit that the market value of the Government land now being claimed by the appellants are approximately about Rs.8 Crores. That being so, we are not inclined to entertain the writ appeal. Consequently, the Writ Appeal stands **dismissed**. In view of the interim stay, the appellants are enjoying the subject property. Thus, the respondents are directed to resume the Government property and utilize the same for public purposes. No costs.

[S.M.S.J.] [K.R.S.J.]
21.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

1.The State of Tamil Nadu
Represented by Secretary to Government,
Revenue Department,
Fort St.George, Chennai – 9.

2.The District Collector,
Office of the District Collector,
Krishnagiri District.

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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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