



WEB COPY



W.P. No.35487 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.35487 1of 2023

and

W.M.P.Nos.35457 & 35460 of 2023

Kamesh V Chivukula

... Petitioner

Vs.

1. The Collector of Nilgiris
Ootacamand.

2. The Revenue Divisional Officer
Coonoor.

3. The Tahsildar
Kotagiri Taluk.

4.P.Kuppan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the proceedings in R.C.A. No.A3/707/2015, dated 21.03.2016 issued by the 3rd respondent and quash the same.

For Petitioner : Mr. E. Karthikeyan,
for AAV Partners

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

: No Appearance (for R4)



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ORDER

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This Writ Petition is filed seeking to issue a Writ of Certiorari, to call for the proceedings in R.C.A. No.A3/707/2015, dated 21.03.2016 issued by the 3rd respondent and quash the same.

2. The learned counsel for the petitioner submitted that admittedly, the property in question was assigned to one P.Kuppan/4th respondent herein who is a member of the Depressed Class/Scheduled Caste Community and after the time stipulated in the conditional assignment i.e., after a period of 10 year only, he sold the property to the petitioner. After 28 years, the 4th respondent has made a complaint to the 3rd respondent to cancel the Patta standing in the name of the petitioner and the 3rd respondent, without proper enquiry, subsequently cancelled the assignment by the impugned proceedings for the reason that the land was sold to a non member of Depressed Class Community. But there is no condition that the assigned land should not be sold to non members of Depressed Class Community. Further, the assignee sold the property only after the time stipulated in the assignment and therefore, there is no



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violation of conditional assignment and as such, the respondents have no authority to cancel the assignment. Therefore, the impugned order passed by the 3rd respondent has to be quashed.

3. The learned Special Government Pleader appearing for the official respondents submitted that the land in question was classified as Depressed Class Land and the same was assigned to landless and poor person belong to the member of Scheduled Caste Community. While so, the petitioner has purchased the said property. Since the conditional assignment was violated, the 3rd respondent cancelled the assignment and that the impugned proceedings is in accordance with law. Therefore, there is no need to quash the same.

4. Heard and perused the materials available on record.

5. Admittedly, the land in question was assigned to member of the Depressed Class Community. Once a land is allotted to the member of Depressed Class Community, it cannot be sold to the members other than the Depressed Class Community. Though there is no specific condition,



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once a land is classified as Depressed Class Land, it cannot be reclassified in the other heads. Since the assignee has sold the said land to petitioner who is a non member of Scheduled Caste Community, the very purpose of assigning the land itself is defeated. Therefore, this Court does not find any illegality or irregularity in the impugned order passed by the 3rd respondent.

6. Therefore, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

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Index : Yes / No
Neutral Citation Case : Yes/No
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P.VELMURUGAN. J.

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