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W.P.No.5223 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5223 of 2019 and
WMP.No.5934 of 2019

S.Marimuthu

... Petitioner

Vs.

1.The District Collector,
O/o.Collectorate,
Dharmapuri District
2.The Tahsildar,
O/o.Tahsildar,
Kariamangalam Taluk,
Dharmapuri 636 111
3.The Zonal Deputy Tahsildar,
Kariamangalam Taluk,
Dharmapuri District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order made in Na.Ka.2487/2017/A1 dated 09.04.2018 passed by the second respondent, quash the same and consequently forbear the respondents from interfering with the petitioner's possession and enjoyment of the agricultural lands comprised in S.No.180/2 situated at Hanumanthapuram Village, Kariamangalam Taluk, Dharmapuri District.

For Petitioner : Mr.Ethirajulu G.



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For Respondents : Mr.T.Arun Kumar,
Additional Government Pleader

ORDER

This writ petition has been filed against the order passed by the second respondent dated 09.04.2015 thereby rejected the request made by the petitioner for assigning the land comprised in survey No.180/2 to an extent of 0.30.36 hectares.

2. The petitioner is in possession and enjoyment of the land comprised in survey No.180 situated at Hanumanthapuram Village, Kariamangalam Tauk, Dharmapuri District which was classified as 'tharisu land' to an extent of 2 acres for more than 60 years. During his father's life time, he also dig up a well and conveyed the said land as agricultural land. After his demise, the petitioner is continuing to carry on agricultural operations in the subject land. As per the revenue standing orders, the petitioner applied for assignment of the subject land on free of cost. However, it was rejected for the reason that the petitioner is earning income more than Rs.40,000/-. That apart, the land value per acre is Rs.3,04,850/-



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2. The learned counsel appearing for the petitioner would submit that the Taluk Tahsildar has no power to reject the claim of the petitioner since as per the revenue standing orders i.e. RSO 15, Tahsildar has limit only upto Rs.10,000/-. That apart, the petitioner and his father were continuously enjoying the subject land by digging up a well and also conveyed the same into agricultural property. Further, the second respondent did not even conduct any enquiry and the petitioner was not given any opportunity of hearing before passing the order. The subject land is classified as Anadheenam land and it cannot be used for putting up construction for Government purpose. Therefore it should be assigned to the poor landless people like the petitioner who is in possession and enjoyment of the subject land. Further, the revenue standing order RSO 15 says that the landless and poor persons who are likely engaged themselves in direct cultivation shall be eligible for assignment of land on free of cost subject to the condition that the assignment imposed in the D-Form patta. Without considering the same, the second respondent rejected the claim of the petitioner.



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3. On perusal of the counter filed by the second respondent and on the submissions of the learned Additional Government Pleader appearing for the respondents, it is revealed that the petitioner filed writ petition before this Court in WP.No.8963 of 2017 and by an order dated 13.04.2017, this Court directed to consider the representation submitted by the petitioner and to pass orders on merits after giving opportunity of hearing. Accordingly, the petitioner was given opportunity and order was passed on 09.04.2018. The market value of the subject land for 0.81.0 hectares is Rs.2,29,637/- in the year 2019. The petitioner occupied the land to an extent of 0.30.36 hectares, which comes to the value of Rs.86,043/-. However, the petitioner's yearly income is more than Rs.65,000/-. Therefore, it is more than Rs.40,000/- and the provision for the waiver of the land value does not arise. The market value of the land is raising up and the need of the land for development purposes in future is unavoidable as Kariamangalam has become Taluk Headquarters. Therefore, the Government itself is in need to acquire private lands for development. If the subject land is assigned to the petitioner, the Government will have to acquire private land for its own use by paying



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compensation. The development of the village has been taken into consideration for turning down the request of the petitioner to assign the land in his favour. Therefore, this Court finds no infirmity or illegality in the impugned order. As such, this writ petition is devoid of merits and the same is liable to be dismissed.

4. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

02.09.2025

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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3.The Zonal Deputy Tahsildar,
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4.The Government Advocate,
High Court of Madras

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