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W.P.No.14568 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.12.2025

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.P.No.14568 of 2021

and

W.M.P.No.15458 & 15460 of 2021

T.Mani,

S/o Thangavel Mudaliar

..Petitioner

Vs.

1. The District Revenue Officer,
Cuddalore.

2. The Sub-Collector,
Chidambaram – 608 001.
Chidambaram Taluk,
Cuddalore District.

3. The Tahsildar,
Bhuvanagiri, Bhuvanagiri Taluk,
cuddalore District.

4. The District Collector
Cuddalore
(R4 suo motu impleaded
by order dt. 21.06.2024 made
in W.P.14568/2021 by MSJ & KGTJ)

..Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to call for records and quash the impugned order dated 11.01.2021 passed by the 2nd respondent in his proceedings Na.Ka.A1/2902/2020 and consequently direct the respondents to transfer patta to the petitioner's name by entering the name of the petitioner in the revenue records in respect of S.No.112/3, Ac.2.69 in Vailamur Village, Bhuvanagiri Taluk, Cuddalore District.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.T.Arunkumar,
Addl/Govt.Pleader

ORDER

S.M.SUBRAMANIAM,J.

The writ petition has been instituted to set aside the order passed by the Sub-Collector in proceedings dated 11.01.2021, whereby the Sub-Collector rejected the claim of the writ petitioner for grant of assignment under the Revenue Standing Order under the Ex-Serviceman quota on the ground that the subject land is classified as 'Kulam' (water body).



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2. The facts in brief would show that the petitioner's father was an Ex-Serviceman, serving in the Indian Army and died on 01.04.1985. Under the Revenue Standing Order, the Government may assign land in favour of the Ex-Serviceman by ascertaining their eligibility for such assignment under the Revenue Standing Orders. Admittedly, in the present case, no assignment was granted in favour of the Ex-serviceman during his life time. The writ petitioner filed an application seeking assignment of the land under his possession mainly on the ground that his father was an ex.serviceman.

3. Learned counsel for the petitioner would submit that the Tahsildar and the District Revenue Officer recommended the case of the petitioner for grant of assignment. Despite that, the Sub-Collector, not considered the same on the ground that the subject land is classified as Kulam, which is water body.

4. Learned Additional Government Pleader would submit that the father of the writ petitioner was serving in Indian Army formed by Shri



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Nethaji Subash Chandra Bose and therefore, he cannot be considered as

an ex.serviceman for the purpose of assignment of land under the

Revenue Standing Order. That apart, the subject land, where the petitioner

seeks patta in S.No.112/3, does not find mention as such in the village

accounts Vailamur. As regards S.No.112, in the status report filed by the

Sub Collector, it is stated as follows:

As per the village records, (A Register & FMB)

Survey No.112 is subdivided into:

*Survey No.112/1 – 4.78.0 hectares, classified as
a pond (water body);*

*Survey No.112/2 – 0.26.0 ares, registered in the
name of one Arumugam Poosi under Patta No.33.*

*There is no separate entry for Survey No.112/3
in the village accounts. The survey No.112 has only
two sub divisions in UDR A Register.*

*3. Based on the Tahsildar's report, it is submitted
that Survey No.112/1 is classified as Kulam, a
panchayat-owned water body. As per G.O.Ms.No.540,*



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Revenue LD6(2) Department dated 04.12.2024, all

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encroachments in water bodies are to be evicted. Since the land in question is part of a classified water body, patta cannot be issued in favour of the petitioner for the said Survey No.

5. Heard the learned counsel appearing for the parties.

6. The father of the writ petitioner served in Indian National Army constituted by Shri.Nethaji Subash Chandra Bose and died on 01.04.1985. Admittedly, no assignment was granted in favour of the father of the writ petitioner. Therefore, the grant of re-assignment in the name of the writ petitioner would not arise at all. Assignment of Government land cannot be claimed as an absolute right. Assignment of Government land is to be granted by strictly following the terms and conditions stipulated under the Revenue Standing Orders. For securing assignment of Government land, the applicant must be a landless poor person at free of cost, for protecting the livelihood of the landless poor persons. Therefore,



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the assignment cannot be claimed as a right and it is only a concession.

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7. In the present case, the petitioner seeks assignment on the ground that his father was an ex-serviceman. Since no assignment was granted in favour of the father of the writ petitioner, he is not eligible to seek assignment under the Revenue Standing Orders. Only if any land has been assigned in favour of the ex-serviceman, then re-assignment can be sought for. Even then, it will be subject to eligibility and the person seeking re-assignment must establish that he is landless poor person as defined under the Revenue Standing Orders. That apart, the subject survey number is not available as stated by the Sub-Collector in the status report.

8. For all the above reasons, the Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed. .



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(S.M.S.,J.) (C.K.,J.)

02.12.2025

Index:Yes/No

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