IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WA No. 1265 of 2025

1. P.Dhinakaran

Appellant(s)

Vs

1. The District Collector,
Thirupathur, Thiurpathur District,.

2.The District Revenue Officer,
Thirupathur, Thiurpathur District,.

3.The Revenue Divisional Officer,
Tiruppatur Taluk, Thirupathur,
Thiurpathur District,.

Respondent(s)

PRAYER
To set aside the order dated 19.02.2025 in WP.No.2363 of 2021.

For Appellant(s): Mr.S.Arokia Mani Raj

For Respondent(s): Mr.Vadivelu Deenadayalan
Additional Government Pleader

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The present intra-court appeal has been instituted challenging the writ order dated 19.02.2025 in WP.No.2363 of 2021.

2. It is not in dispute that the subject property described in the writ proceedings measuring to an extent of 6.66 acres was conditionally assigned in favour of one Mr.Sendrayan, who is the great grandfather of the appellant/writ petitioner. Subsequently, one Mr.Chinnapaiyan purchased the property and he was cultivating the subject land. On his demise, the father of the writ appellant was cultivating the land till his life time. In the revenue records, the name of the appellant's father and father's brother Mr.Vinothan was entered. While so, the Revenue Divisional Officer vide his proceedings dated 14.12.2017 cancelled the conditional assignment order and resumed the Government lands, on the ground that the condition stipulated in the assignment order had been violated. The said order of the original authority/Revenue Divisional Officer was confirmed by the District Revenue Officer vide proceedings dated 27.02.2020. As per the counter filed by the District Revenue Officer, the original assignee has sold the assigned property in favour of Mr.Chinnapaiyan in the year 1997. The said Mr.Chinnapaiyan conveyed the property in favour of Mrs.Mahapurushiammal, through a sale deed dated 05.06.1984. The said Mrs.Mahapurushiammal in-turn sold a portion of the land in favour of one Mr.Baranibabu through a registered

sale deed dated 22.11.1994. The appellant, who is the son of Mr.Periyasamy filed a writ petition seeking a direction to the authorities to grant patta. An enquiry was conducted by Revenue Divisional Officer and it was found that the assigned land is a Depressed Class (D.C) land and has been sold in violation of the assignment condition. Consequently, a direction was issued to resume the assigned Government land, by involving the Revenue Standing orders.

3. Learned counsel for the appellant would mainly contend that violation of conditional assignment would not provide a ground to resume the Government land. He relied on the judgment of the Division Bench of the Madras High Court in the case of ***K.Palaniappan @ K.Subramanian Vs. Government of Tamil Nadu***[1], wherein the Division Bench relied on the judgment of the Hon'ble Supreme Court of India in the case of ***Sri Manche Gowda Vs. State of Karnataka***[2]**.** The relevant portions are extracted hereinunder,

> *"...The Supreme Court found that for the purpose of that Act, the classification has a clear nexus to the object sought to be achieved. The Benck expressed the view that special provisions made for the resumption of "granted" lands, originally granted to the members of Scheduled Castes and Scheduled Tribes and restoration of the same to the original grantees or their heirs and legal representatives and failing them to other members of these communities do not infringe Article 14 of the Constitution, In view*

1 1992 (2) MLJ 561

2 AIR 1984 Supreme Court 1151

of the settlement of law by the Supreme Court which has again been reiterated in Lingappa Pochanna v. State of Maharashtra, AIR 1985 Supreme Court 389, the second ground of attack viz., the unconstitutionality of the restrictions contained in Clause (9) of Special Form D, Board Standing Orders 15, paragraph 9 must also fail and holding that Clause (9) is constitutionally valid, we reject the argument raised to the contrary by Mr. Doraiswamy."

4. Close reading of the judgment relied on by the appellant would show that the facts are distinguishable. That apart, the Hon'ble Supreme Court of India has considered the principle in the context of the facts involved in the said case. Thus, the reliance placed on by the appellant is of no avail for the purpose of securing relief in the present case. In the present case, it is a Government classified D.C land, which was assigned for the landless poor Adidravidar people in order to protect their livelihood. It is a conditional assignment. Thus, the said Government land cannot be alienated/sold in favour of any other third party belongs to any other community within a period of 10 years. Since the original assignee himself violated the assignment conditions, the subsequent alienation also became null and void. The said position has been reiterated in the Revenue Standing Order. The assignment conditions are imposed in consonance with the revenue standing order, which is binding in respect of the conditional assignee.

5. Therefore, this Court is of the considered opinion that the findings and the decisions made by the Writ Court is in consonance with the legal principles. Thus, the writ order dated 19.02.2025 in WP.No.2363 of 2021 stands confirmed and the Writ Appeal stands dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)
25-09-2025

gd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

1.The District Collector,
Thirupathur, Thiurpathur District,.

2.The District Revenue Officer,
Thirupathur, Thiurpathur District,.

3.The Revenue Divisional Officer,
Tiruppatur Taluk, Thirupathur,
Thiurpathur District,.

S.M.SUBRAMANIAM J.
AND
MOHAMMED SHAFFIQ J.

gd

WA No. 1265 of 2025

25-09-2025