



W.A.Nos.1353 & 1354 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

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CORAM:

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE Mr. JUSTICE C.SARAVANAN

W.A.Nos.1353 & 1354 of 2022
and
C.M.P.Nos.8650 & 8652 of 2022

W.A.No.1353 of 2022

Jayavel,
S/o.Elayappa Gounder

...Appellant

Vs.

1. The Principal Secretary and Commissioner,
of Land Administration,Chepauk, Chennai.
2. The District Revenue Officer,
Villupuram.
3. The Revenue Divisional Officer,
Kallakurichi, Villupuram District.
4. The Tahsildar,
Kallakurichi, Villupuram District.
5. Krishnamoorthy,
S/o. Manickka Gounder.

...Respondents



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Muthammal
W/o.Elayappa Gounder

... Appellant

Vs.

1. The State of Tamil Nadu,
Rep. By the Secretary,
Land Administration, Fort St.George,
Chennai – 600 009.
2. The Principal Secretary and Commissioner,
of Land Administration,Chepauk, Chennai.
3. The District Revenue Officer,
Villupuram.
4. The Revenue Divisional Officer,
Kallakurichi, Villupuram District.
5. The Tahsildar,
Kallakurichi, Villupuram District.
6. Krishnamoorthy,
S/o. Manickka Gounder.

Writ Appeals filed under Clause 15 of the Letters Patent to set aside the order made in W.P.Nos.26270 & 31121 of 2012 dated 31.03.2022.



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For Appellant : Mr.S.Doraisamy
[in both W.As.] for Mr.M.P.Raja Velayutham
For Respondents : Mr.Vadivelu Deenadayalan
Additional Government
Pleader [R1 to R4 in
W.A.No.1353 of 2022]
[R1 to R5 in W.A.No.1354 of
2022]

COMMON JUDGMENT

(Delivered by S.M.SUBRAMANIAM, J.)

These intra-court appeals on hand have been instituted challenging the common writ court order dated 31.03.2022 passed in W.P.Nos.26270 & 31121 of 2012.

2. The writ petitioners are the appellants before this Court. It is not in dispute between the parties that the land belongs to Government was assigned in favour of the appellants for cultivation. The assignment orders are passed on 05.03.1996. Subsequently, the Revenue Authorities received an information that the land was assigned illegally and contrary to the Revenue Standing Orders in favour of the appellants since they are not landless poor people, but holding patta lands. Thus, action was



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initiated and an enquiry was conducted by the District Revenue Officer, Villupuram. After affording an opportunity to all the parties, the assignment granted in favour of the appellants were cancelled by the District Revenue Officer, Villupuram vide proceedings dated 31.03.2005. The said proceedings came to be challenged in the writ proceedings.

3. Mr.S.Doraisamy, learned counsel for the appellants would mainly contend that under RSO 15, the appellants are eligible for assignment and there is no infirmity. The Tahsildar is the competent authority for grant of assignment and therefore, the cancellation order passed by the District Revenue Officer is without jurisdiction. The appellants is a landless persons and the findings that the family of the appellants are rich is incorrect.

4. The learned Additional Government Pleader opposed the contentions by stating that the authorities conducted an enquiry and the appellants have not responded to the notices issued on several occasions. Though the appellants have engaged a lawyer, no written explanation has been filed defending their case. Thus, the authorities formed an opinion based on the documents and cancelled the assignment orders. Thus, the



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Writ Court is right in rejecting the relief as such sought for in the writ proceedings.

5. Heard the parties to the lis on hand.

6. The Revenue Standing Orders in an unequivocal terms reiterates that Government lands at free cost is to be assigned only to land less poor people. On account of sky-rocketing of market value in recent days, the Government authorities are duty bound to grant assignment strictly in consonance with Revenue Standing Orders and the terms under the Government Welfare Scheme. Even Natham lands are to be assigned to a limited extent of 3 cents to landless poor people only for dwelling purpose. The assignment of larger extent of Government land is impermissible and only on justifiable reasons, the Government authorities have to consider the case on merits. In the present case, the Tahsildar has assigned larger extent of land in favour of the appellants under RSO 15.

7. The condition in the assignment order states that, if the assignees are found to be ineligible or the statements given by the



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assignee is found to be false and incorrect, then the competent authorities are empowered to cancel the assignment. In the present case, the Authorities received an information that the appellants are not landless poor persons and further the statements given by them were found to be incorrect. Thus, an enquiry was conducted. Perusal of the order passed by the District Revenue Officer dated 31.03.2005 shows that a detailed enquiry was conducted by affording sufficient opportunity to the appellants. The enquiry was adjourned to several days. The appellants have engaged a lawyer. However, no explanation has been submitted, but they were seeking adjournment after adjournment. Thus, the authorities completed the enquiry and thereafter, by recording the reasons, the assignment was cancelled.

8. The findings of the District Revenue Officer reveals that the family of the appellants owned patta lands to an extent of 9.34 acres. Therefore, they are rich land lords and the Thasildar has erroneously granted assignment. That apart, the assigned lands are classified as "Adi Dravidar Tharisu" and the appellants are ineligible for assignment. The land is to be assigned only in favour of depressed class persons and by following the terms and conditions stipulated under the Revenue



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Standing Orders. Since none of these criterias are complied with, the District Revenue Officer cancelled the assignment.

9. This Court do not find any reason to interfere with the writ order impugned since the writ court also considered the scope of RSO 15 and found that the appellants are ineligible to secure assignment from the hands of the Revenue Authorities. That apart, RSO 15, sub-clause (3) indicates the eligibility criteria. Accordingly, only land less poor persons, who are likely to engage themselves in a direct cultivation are eligible for assignment of land, in terms of the conditions of assignment imposed in the D-form patta. In the present case, the conditions are stipulated in the assignment and subsequently during the course of enquiry, the District Revenue Officer found that the appellants are ineligible since they owned patta lands to a larger extent of 9.34 acres and that apart, the subject land was classified as "Adi Dravidar Tharisu" and the appellants did not belong to Adi Dravida community.

10. In view of the reasons stated above, this Court is of the considered opinion that the appellants have not made out any ground for the purpose of interfering with the writ order impugned. Consequently,



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the writ appeals are dismissed. No costs. Connected miscellaneous petitions are closed.

(S.M.S., J.) (C.S.N., J.)
03.09.2025

Index: Yes

Neutral Citation: Yes/No

To

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