THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2025

CORAM:

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

W.A.Nos. 1834 and 1835 of 2022
and
C.M.P.Nos.13365 and 13369 of 2022

W.A.No.1834 of 2022:

S.Vijayakumar ...Appellant in W.A.No.1834/22

Vs.

1.The Special Commissioner and
Commissioner of Land Administration,
Land Administration Department,
Chepuak, Chennai – 600 005.

2.The District Revenue Officer,
Thiruvannamalai.

3.The Revenue Divisional Officer,
Thiruvannamalai Circle,
Thiruvannamalai District.

4.The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai District.

5.P.Shankar

6.P.Mottaian

7.P.Saravanan ...Respondents in W.A.No.1834/22

W.A.No.1835 of 2022:

S.Vijayakumar ...Appellant in W.A.No.1835/22

Vs.

1.The Commissioner of Land Administration
Chepauk, Chennai – 600 005.

2.The District Revenue Officer,
Thiruvannamalai Town,
Thiruvannamalai District.

3.The Revenue Divisional Officer,
Thiruvannamalai Circle,
Thiruvannamalai District.

4.The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai District.

5.The Village Administrative Officer,
Melchettipattu Village,
Kilsirupakkam Post,
Thiruvannamalai Taluk & District.

6.Murugesan

7.Indira

8.Sankar

9.Sundaramurthy

10.Saravaan

11.Vennila

12.Anjala ...Respondents in W.A.No.1835/22

PRAYER in W.A.No.1834 of 2022: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.14418 of 2010 dated 06.06.2022 and allow the above Writ Appeal.

PRAYER in W.A.No.1835 of 2022: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.24148 of 2011 dated 06.06.2022 and allow the above Writ Appeal.

For Appellant	: Mr.S.Consious Elango For Ms.E.Angayarkani
For Respondents	: Mrs.Akila Rajendran, Govt. Advocate For R1 to R4 in W.A.No.1834 of 2022 and For R1 to R5 in W.A.No.1835 of 2022 Mr.S.Rajarajan For R5 to R7 in W.A.No.1834 of 2022 For R6 to R12 in W.A.No.1835 of 2022

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COMMON JUDGMENT

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

The common writ order dated 06.06.2022 passed in W.P.Nos.14418 of 2010 and 24148 of 2011 is under challenge in the present writ proceedings.

2. The facts in nutshell shows that the Government land in S.No.8 measuring 12.63 acres was classified as "Kallankuthu" (un-assessed waste). Subsequently, the classification of land was changed to "Panchamar Tharisu" (Depressed Class land) and the same was subdivided into S.Nos.8/1, 8/2, 8/3 and 8/4. The land measuring 3.18 acres was assigned to one Mr.Muthan son of Sangilikuiyan of Melchettipattu Village under Depressed Class conditions by order No.378/1940 dated 09.12.1931 by the Tahsildar, Tiruvannamalai. The said assignee Muthan sold the land to one Mr.Parasuraman, who in turn sold it to non-Depressed Class person viz., Mr.Jawagar Mudaliar, who in turn subsequently sold the land to Rajammal wife of Jeeva Rathina Mudaliar by a registered sale deed dated 26.04.1963 and 02.06.1965 respectively. The said Rajammal sold the land to the Depressed Class person Mr.Annamalai under the registered sale deed dated 29.01.1974, from whom Mr.Pichandi purchased the said land. However, during re-survey and re-settlement scheme, New Survey No.2/1 measuring 1.39.0 hectares was assigned to the said land. Since no claim was made at the time of re-settlement, the land in S.No.2/1 was treated as “held over case Depressed Class land”. Subsequently, the said land was sub-divided as 2/8 – 1.19.0 Hectares and 2/1 - 0.20.0 Hectare. In the year 1977, these lands were erroneously assigned in D.K.No.29/1406, dated 02.03.1997 by the Tahsildar, Tiruvannamalai. S.No.2/8 – 1.19.0 hectare in favour of Mr.Vijayakumar, son of Subramanian and S.No.2/1 – 0.20.0 Hectare in favour of Mr.Muregesan, son of Narayanasamy. Accordingly, mutation was carried out in the revenue records.

3. The said Pichandi submitted a representation on 29.09.2003 to the District Collector, Tiruvannamalai, stating that he is a permanent resident of Melchettipattu Village, where the said Depressed Class lands are situate and he had purchased these Depressed Class lands under two Sale Deeds dated

24.11.1982 and 01.10.1984 from the said Annamalai and his son Gopal and that he is in continuous possession and enjoyment of the said Depressed Class lands since purchase made by him and that the assignees of these lands, Thiru.Vijayakumar and Murugesan, are wealthy pattadars owning vast lands, who are not residents of Melchettipattu Village, and that they are not in possession and enjoyment of these lands, and prayed for grant of patta to these lands in his favour.

4. The District Collector forwarded the above representation to the Revenue Divisional Officer, Tiruvannamalai. Accordingly, an enquiry was conducted by the Tahsildar, Tiruvannamalai, who reported that the said assignees of the land Vijayakumar and Murugesan have not taken possession of these lands from the date of assignment and Pichandi continued to be in possession and enjoyment of the same. The Revenue Divisional Officer, Tiruvannamalai passed an order dated 06.08.2008 cancelling the assignment in favour of Vijayakumar and Murugesan and directed to re-classify these lands as Depressed Class lands and effect necessary corrections in the revenue accounts.

5. However, the Tahsildar, Tiruvannamalai while cancelling the assignments made in favour of the assignees, transferred patta to these lands in favour of Pichandi. After careful consideration of the materials on record, the District Revenue Officer, Tiruvannamalai, passed an order on 13.02.2009 upholding the order of the Revenue Divisional Officer, Tiruvannamalai dated 06.08.2008 cancelling the assignments made in favour of the Writ Petitioner Mr.Vijayakumar and Mr.Murugesan and set aside the patta order dated 16.10.2008 of the Tahsildar, Tiruvannamalai.

6. The Commissioner of Land Administration, Chennai, passed common order dated 14.05.2010 on the Revision Petition filed by Vijayakumar and the Appeal Petition filed by Pichandi, dismissing the Revision Petition filed by Vijayakumar and the Appeal Petition filed by Pichandi and directed the District Revenue Officer to examine the reason to register the land in Survey number 2/1 measuring 1.39.0 hectare in Melachettipattu Village as “Hold over case” in the 'A' register of the Village and pass order immediately in accordance with law and resume the land into Government account for assigning the same to the eligible Depressed Class person. Against the said order of the Commissioner of Land Administration, Writ Petitions were filed. The Writ Petition filed by Mr.Vijayakumar was dismissed and the Writ Petition filed questioning the act of the Commissioner of Land Administration in cancelling the patta granted to them/ contesting respondents herein in respect of the lands, which had initially been assigned in favour of the original assignee came to be allowed directing the Tahsildar, Tiruvannamalai to restore possession of the lands and also to issue patta in favour of the petitioner in the said Writ Petition. Against the said common order, the present intra-Court appeals came to be instituted.

7. The learned counsel appearing on behalf of the appellant would mainly contend that the contesting respondents in the Writ Petition has no locus, since they have purchased the lands subsequently from non-Depressed Class person. Therefore, conferring right on the contesting respondents would be in violation of the provisions of the Revenue Standing Orders. That apart, the Authorities cannot condone the violations under the Revenue Standing Orders and they have no power to do so. Thus, the writ order to that extent is to be set aside.

8. The learned counsel appearing for the contesting respondents would submit that they are the *bona fide* purchasers of the land and they belong to Depressed Class community. Since they are eligible under the Revenue Standing Orders, the Revenue Authorities are right in granting patta in their names.

9. The learned Government Advocate would oppose by stating that the report of the Tahsildar is clear to the effect that the conditions stipulated in the assignment order had been violated by the original assignee. Therefore, all the subsequent transactions became null and void. Thus, action was initiated and consequently the assignment was cancelled. The appeal and revision filed by the aggrieved persons was rejected. The writ Court has also considered all these aspects. Thus, the present Writ Appeals are to be dismissed.

10. This Court is of the considered view that once the assignment conditions are violated by the original assignee, any further alienation / transaction carried on cannot withstand. All subsequent transactions became null and void. Therefore, the right claimed by the contesting respondents cannot be recognised by the Authorities. In such circumstances, the Authorities are bound to resume the Government land and thereafter, consider for grant of assignment scrupulously in consonance with the terms and conditions stipulated under Revenue Standing Orders and taking into consideration the public interest and eligibility criteria contemplated under any of the Government scheme or under the Revenue Standing Orders.

11. The fact remains that the assignment conditions have been violated. Thus cancellation of assignment was found to be in order and in accordance with the terms of assignment and the Revenue Standing Orders. The assignment was granted originally in the year 1997. The Revenue Divisional Officer cancelled the patta in the year 2008 and the District Revenue Officer confirmed the order in the year 2010. The Commissioner of Land

Administration in his revision order dated 14.05.2010 reiterated that the conditions stipulated in the assignment order had been violated and hence all the subsequent transactions became null and void.

12. It is needless to state that the patta granted in favour of the contesting respondents are also null and void, since the original assignment condition had been violated. At the outset all subsequent purchase / alienation of Depressed Class land cannot be sustained. The Government is bound to resume the entire land. In any event, any transactions made during the interregnum period are null and void and to be cancelled.

13. In the present case, assignment had already been cancelled and if any of the transactions are not declared as void, the Authorities are bound to initiate appropriate action and deal with the matter by following the procedures that are contemplated. In any event, the Authorities cannot re-assign the land for a particular person without following the procedure.

14. The report of the Tahsildar, Tiruvannamalai in respect of Mr.Vijayakumar and Mr.Murugesan shows that they are wealthy pattadhars owning vast lands and are not residence of Melchettipattu. That apart, they are not in possession and enjoyment of those lands. That being so, the said fact also to be ascertained and all appropriate actions are to be initiated to resume the Government lands and utilize the same either for public purpose or to assign the land to eligible Depressed Class community people for the purpose of protecting their livelihood. The Authorities, at the outset, has to look into the illegalities, irregularities, violations etc., and initiate all appropriate action to resume the Depressed Class land and protect the same in the manner contemplated.

15. Accordingly, the following order is passed :

i) Both the Writ Petitions in W.P.No.14418 of 2010 and W.P.No.24148 of 2011 are dismissed.

ii) W.A.No.1835 of 2022 is allowed and W.A.No.1834 of 2022 is dismissed.

iii) The Official respondents are directed to initiate all appropriate actions to resume the Depressed Class land if not already resumed and protect the same in the manner contemplated under law.

iv) No costs.

(S.M.S., J.) **(M.S.Q., J.)**
06.10.2025

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

To

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S.M.SUBRAMANIAM, J.
and
MOHAMMED SHAFFIQ, J.

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