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W.A.No.1500 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**RESERVED ON : 11-07-2025**

**PRONOUNCED ON : 31-07-2025**

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU  
AND  
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A.No.1500 of 2025

K.Nataraj  
S/o.Kuppan,  
Airport Colony, Kamalapuram Post,  
Omalur Taluk, Salem District - 309.

Appellant(s)

Vs

1.The District Collector  
Office of the District Collector,  
Dharmapuri District.

2.The Sub Collector  
Office of the Sub Collector,  
Harur, Dharmapuri District.

3.The Thasildar  
Pappireddipatti Taluk Office,  
Pappireddipatti, Dharmapuri District.

Respondent(s)



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**WEB COPY** Writ Appeal filed under Clause 15 of the Letter Patent to set aside the order dated 10.08.2023 passed in W.P.No.3271 of 2023 on the file of this Court.

For Appellant(s): Mr.S.Arokiamaniraj

For Respondent(s): Mr.R.Kumaravel  
Additional Government Pleader

**JUDGMENT**

(Delivered by M.Jothiraman J.)

An intra-court appeal has been filed challenging the order dated 10.08.2023 passed in W.P.No.3271 of 2023 on the file of this Court.

2. It is the case of the appellant/writ petitioner that the property situated in Sembianur Village, Pappireddipatti Taluk, Dharmapuri District, in S.No.18 to an extent of 5.11 acres originally assigned to one Lakshmanan and after his demise, one of his legal heirs Vijaya, settled the property in favour of her daughter Suguna. However, the said Suguna sold the property to one Subramani against the provisions of Revenue Board Standing Orders. Now, one Govindan, who belongs to Kongu Vellala Goundar, legally



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occupied the land against the provisions of the Revenue Board Standing Orders. The appellant/writ petitioner made several representation to the respondents requesting them to assign the land for him. He has also filed a writ petition in W.P.No.16180 of 2020, in which, this Court by order dated 18.11.2020 directed the Tahsildar, Pappireddipatti, to conduct enquiry and submit the report before the District Collector, Dharmapuri District and also directed the District Collector, Dharmapuri District, to pass final orders based on the report of the Tahsildar, Dharmapuri District. Pursuant to the same, the District Collector, Dharmapuri District, passed final orders rejecting the claim of the appellant/writ petitioner. Aggrieved by the same, he has preferred the writ petition in W.P.No.3271 of 2023. The writ Court dismissed the writ petition without considering the eligibility of the appellant to get the 'Depressed Class Land' based on the judgments delivered by the Hon'ble Supreme Court of India as well as the judgment delivered by the Division Bench of this Court.

3. The learned counsel appearing for the appellant would submit that the appellant has no property or cultivable land to survive and the Village Administrative Officer has also issued a certificate to that effect. The

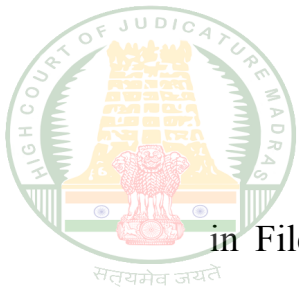


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annual income of the appellant is below the poverty line and therefore, he is entitled to get 'Depressed Class Land' reserved for the welfare of the Scheduled Castes. The land in question, which is classified as 'Depressed Class Land', has been illegally occupied and enjoyed by the Other Backward Class community *contra* to the Revenue Board Standing Orders. The writ Court, while dismissing the writ petition has falsely observed that the 'Depressed Class Land' after redemption of breach of conditions can be classified as 'Government Poromboke Tharisu', which is against the provisions of the Revenue Board Standing Orders.

4. The learned counsel appearing for the appellant would further submit that the writ Court has failed to consider the ratio laid down in the judgment of the Hon'ble Supreme Court of India dated 20.09.2012 in Civil Appeal Nos.6741 to 6743 of 2012 and also judgment of the Hon'ble Division Bench of this Court dated 22.01.1991 in W.A.No.624 of 1988 and contended that the resumed land for breach of conditions can be reassigned to the legal heirs or among the Scheduled Caste members, who are poor. As per the circular dated 19.08.1996 in File No.F1/69400/1994 issued by the Special Commissioner, Land Administration and also the circular dated 11.03.2004



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in File No.14/1/2003 issued by the Director of National Commission for Scheduled Caste, instructions were given to all the District Collectors that after resuming the 'Depressed Class Land', the same may be reassigned to the poor Scheduled Caste community members for their survival and economic upliftment.

5. *Per contra*, the learned counsel for the respondents would submit that the appellant has not shown any proof of eligibility under the Government Scheme or inclusion in any priority list. Mere production of certificate issued by the Village Administrative Officer indicating that the appellant owns no cultivable land does not create any enforceable right for assignment. The subject land in S.No.18 was canceled due to breach of assignment conditions and subsequently reclassified as 'Government Poromboke Tharisu' in accordance with the Revenue Board Standing Orders. The post of President of a private trust does not establish qualification of assignment under landless poor category and this claim cannot override the statutory procedures for assignment. The order of the writ Court is well reasoned, legally sound and does not suffer from any infirmity.



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6. We have considered the submissions made on either side and perused the materials available on record.

7. It is seen from the records that pursuant to the directions of this Court *vide* order dated 18.11.2020 in W.P.No.16180 of 2020, an enquiry was conducted and based on the report of the third respondent/Tahsildar, the first respondent/District Collector has passed the order dated 06.09.2021.

8. A perusal of the impugned order, which was challenged before the writ Court reveals that the conditional assignment granted in favour of the Scheduled Castes community people was violated and consequently, the assignment itself has been canceled by the competent authority. After canceling the authority, the Government property has been classified as “Poromboke Tharisu” and necessary entries were made in the revenue registration. Further, it reveals that the appellant has no connection with the land, for which, he is seeking assignment and the appellant is a permanent resident of Salem District. As per the proceedings of the Revenue Divisional Officer, Harur, there is no reason to reassign the land in accordance with the rules and regulations and thereby, rejected the request made by the appellant.



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The appellant has not established any statutory or constitutional right that has been violated and cannot compel the Government to assign the land in absence of any legal right. The land assignment is subject to Government discretion, policy and eligibility and not on individual demand or expectation.

9. It is to be noted that the assignment is purely subject to Government policy, eligibility and priority list and socia-economic verification under SC/ST welfare schemes. The appellant has not shown any proof of eligibility under any such Government Scheme or inclusion in priority list. Mere production of the Village Administrative Officer certificate showing that the appellant owns no cultivable land does not create any enforceable legal right for assignment. The cancellation of assignment would not confer any right on the appellant to claim reassignment. The appellant cannot seek reassignment merely based on the ground that earlier assignment granted in favour of the Scheduled Castes community people was canceled. The appellant holding the post of President in a private trust does not establish qualification for assignment under landless poor category and this claim cannot override the statutory procedures, which are followed



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by the Government for assignment. The appellant did not produce any record to establish his case that he has been registered under any priority list of beneficiaries for landless Scheduled Caste nor any indication that his application is under valid consideration through an official scheme.

10. The reliance on the decisions of the Hon'ble Supreme Court and the Hon'ble Division Bench of this Court are misplaced, as those rulings deal with reassignment to the legal heirs or original assignees and not to the third parties such as the appellant herein. Admittedly, the appellant is neither the original assignee nor the legal heir of any original assignee in respect of the land in question.

11. This court is of the view that “the assignment of Government land is not a matter of right and can only be granted by following legal procedures and policy guidelines”. The writ Court has correctly dismissed the writ petition based on sound legal reasoning in strict compliance with the Revenue Board Standing Orders and Government policy. The property being a public property cannot be demanded as a matter of right, especially by someone, who is not the original assignee.



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12. We do not find any reason to interfere with the order impugned passed by the writ Court and there is no merit in this writ appeal and therefore, the same is liable to be dismissed.

In the result, this writ appeal is dismissed. No costs.

**(J.N.B., J.)(M.J.R., J.)**  
**31-07-2025**

nsd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Office of the District Collector,  
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