



WEB COPY

Crl.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.R.C.No. 3 of 2017

and

W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

and

W.M.P.No.37001 of 2016, 1421 & 1423 of 2017

and

Crl.M.P.No.8 of 2017

Crl.R.C.No. 3 of 2017

P.Jawahar Vinayagamoorthy

...Petitioner

Vs.

The State rep. by
The Executive Magistrate Cum Tahsildhar,
Perur Taluk Office,
Perur, Coimbatore – 641 010.

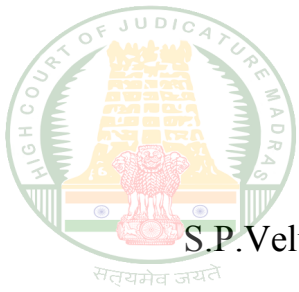
...Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order dated 29.11.2016 passed in Na.Ka.No. 9328/2016/A3 on the file of the learned Executive Magistrate Cum Tahsildhar, Perur Taluk Office, Perur, Coimbatore.

For Petitioner : Mr.S.Rajendra Kumar
assisted by Mr.K.Rajeev

For Respondent : Mr.R.Raman Lal
Additional Advocate General
assisted by Dr.S.Suriya, AGP

W.P.No. 43167 of 2016



CrI.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

S.P.Velumani

...Petitioner

WEB COPY

Vs.

1. The Executive Magistrate cum Tahsildhar,
Perur Taluk Office,
Perur, Coimbatore – 641 010.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Coimbatore (South),
Coimbatore – 641 018.
3. The District Revenue Officer,
Office of the Collectorate,
Coimbatore District – 641 018.
4. The District Collector,
Office of the Collectorate,
Coimbatore District – 641 018.
5. The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore District.
6. The Inspector of Police,
Alandurai Police Station,
Alandurai,
Coimbatore – 641 101.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records of the first respondent in Na.Ka.No. 9328/2016/A3 dated 29.11.2016 and quash the same.

For Petitioner : Mr.S.Rajendra Kumar
assisted by Mr.S.V.Vasanthakumar

For R1 to R4 : Mr.R.Raman Lal
Additional Advocate General
assisted by Dr.S.Suriya, AGP



CrI.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

WEB COPY

For R5 & R6

: Mr.J.R.Archana

Government Advocate (CrI.Side)

W.P.No. 1518 of 2017

D.Ranganayaki

...Petitioner

Vs.

1. The District Collector,
Coimbatore.
2. The District Revenue Officer,
Coimbatore.
3. The Revenue Divisional Officer,
Coimbatore (South).
4. The Executive Magistrate – Cum- Tahsildar,
Perur, Coimbatore.
5. Deputy Superintendent of Police,
Coimbatore.
6. The Inspector of Police,
Alanthurai.

7. S.Murugammal

...Respondents

[R7 impleaded as per order dated 22.07.2025
in W.M.P.No.9021 of 2025 in W.P.No.1518 of 2017]

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the entire records in connection with the impugned order of the fourth respondent in Na.Ka.No. 9328/2016/A3 dated 29.11.2016 and quash the same.

For Petitioner

: Mr.M.Sriram

For R1 to R4

: Mr.R.Raman Lal



WEB COPY



CrI.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

Additional Advocate General
assisted by Dr.S.Suriya, AGP

For R5 & R6

: Mr.J.R.Archana

Government Advocate (CrI.Side)

For R7

: M.Purushothaman

W.P.No. 1519 of 2017

P.Duraisamy

...Petitioner

Vs.

1. The District Collector,
Coimbatore.
2. The District Revenue Officer,
Coimbatore.
3. The Revenue Divisional Officer,
Coimbatore (South).
4. The Executive Magistrate – Cum- Tahsildar,
Perur, Coimbatore.
5. Deputy Superintendent of Police,
Coimbatore.
6. The Inspector of Police,
Alanthurai.

7. S.Murugammal

...Respondents

[R7 impleaded as per order dated 22.07.2025
in W.M.P.No.8908 of 2025 in W.P.No.1519 of 2017]



Crl.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the entire records in connection with the impugned order of the fourth respondent in Na.Ka.No.9328/2016/A3 dated 29.11.2016 and quash the same.

For Petitioner : Mr.M.Sriram

For R1 to R4 : Mr.R.Raman Lal
Additional Advocate General
assisted by Dr.S.Suriya, AGP

For R5 & R6 : Mr.J.R.Archana
Government Advocate (Crl.Side)

For R7 : M.Purushothaman

COMMON ORDER

These petitions namely criminal revision case and the writ petitions challenging the very same order of the Tahsildar, dated 29.11.2016 and as such are taken up and disposed of by this common order.

2. By the order impugned, the Tahsildar, Perur had recorded that an enquiry into certain survey numbers of Ikkarai Boluvampatti Village / Semmedu villages is under way and pending the enquiry, the petitioners before this Court should not undertake any constructions, fencing or agricultural activities and they should maintain status quo in respect of the said properties.

3. The contention of the writ petitioners is that these lands were



CrI.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

originally assigned to the predecessors in title of the petitioners, in the year

WEB COPY

1992, on condition that they should cultivate the said lands and should not alienate the same for a period of 20 years, and those of the Scheduled Castes and Scheduled Tribe allottees should not allot the same to non Scheduled castes and Scheduled Tribe allottees. According to the petitioners, their purchase of property was after 20 years, and no other condition has been violated out of their purchase. Some third parties who are totally unconnected to the lands have given petitions and pursuant thereto, in the guise of an inquiry, the impugned order has come to be passed. The order is completely violative of Article 300A of the Constitution of India and the right to property of the petitioner. The petitioners, being the lawful owners of the property, are entitled to enjoy the same subject to the development control regulations and other laws. As a matter of fact, it is submitted by the petitioners that they are all cultivating the said lands after purchasing the same.

4. Per contra, the learned Additional Advocate General appearing on behalf of the Official respondents would submit that right from the date of allotment, the instant assignment and subsequent enjoyment has been the matters of controversy. Several petitions have been received by the authorities and therefore, enquiries are being made. Certain allegations are made in



CrI.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

WEB COPY

respect of the initial allotment also. The earlier order of the Land Commissioner dated 11.05.2017, also records about the fact that the assigning Authority can look into the correctness or otherwise of the assignment. This apart, the assignment is made with three conditions. Firstly, the assignees themselves should be personally in cultivation, and the land should be used for the said cultivation purposes only. Secondly, they cannot even alienate the land for a period of 20 years, and thirdly, even after 20 years, if the assignee is a member of the Scheduled Caste or Scheduled Tribe, they shall alienate the same only to the person belonging to the said communities and not other persons. Therefore, when petitions are made, enquiries are being conducted. When the enquiry is under progress, pending the enquiry, there should not be any further alienation or alteration of the nature of the land, and only keeping that in mind, the impugned order is passed by the Tahsildar.

5. Mr.M.Purushothaman, learned counsel appearing on behalf of the impleading parties, would submit that these lands would serve as buffer zones to the core reserved forest. In the first place, exchanging of this land with that of the private land itself is in complete violation of law. Be that as it may, when the land was exchanged, these tribal people as well as the members of the Schedules Caste and other the other farmers, who are living in the said area



CrI.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

WEB COPY

are landless agricultural labourers, who were working in the said lands belonging to one V. K. Muthusamy. Therefore, When the land was exchanged and some other land was allotted to the original owner and this land was taken over by the Government, the Authority should have taken care that only eligible members got the assignment. Instead of eligible landless poor, the Village Administrative Officer, through his relatives, who are all ineligible persons, got the land allotted to his own relatives and the entire assignment is only made arbitrarily without properly considering the eligible persons. Thereafter, the issue was taken up by several activists including one V.R.Othisamy, when he filed the writ petition in the year 2013 bringing to the notice of this court, it is submitted on behalf of the Official respondents that they will consider the same. Therefore, this Court directed that the representation be considered. Even thereafter, when the Commissioner of Land Administration passed an order on 11.05.2017, once again it was observed that the original authority will look into the assignment. Till date, nobody has looked into the assignment, and therefore, they would submit that the entire exercise of allotment has to be revisited by this court and all the allotments should be cancelled and the persons who were in active cultivation, should be given preference and they should be allotted these lands. It is further submitted that the subsequent purchasers are not using the land for agricultural purposes



CrI.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

and are establishing their own institutions in the said land that would also affect the abutting buffer area of the forest.

6. I have considered the rival submissions that are made on behalf of the parties and perused the material records of the case.

7. It can be seen that the lands situate at Ikkarai Boluvampatti/ Semmedu Village comprised in S.No.1077/1B3 etc., the list of which is contained in the impugned order, were originally ryotwari punjai lands. It can be seen that from the records that originally the lands belonged to V.K.Muthusamy and these lands were found to be surplus and were declared as such under the Tamil Nadu Land Reforms Act, 1961. As per law, these surplus lands have to be allotted to the landless poor for cultivation. Accordingly, when the applications were received and lands were allotted, due orders of assignment were passed in the name of the various individuals. Upon verifying the assignment conditions, it can be seen that there are three conditions in the assignment order. First, as per Condition No.9, the assignee shall engage himself in direct cultivation of the land. Therefore, it can be seen that so long as the assignee is in possession and enjoyment of the land, it should be cultivated and he should directly cultivate the land. Second



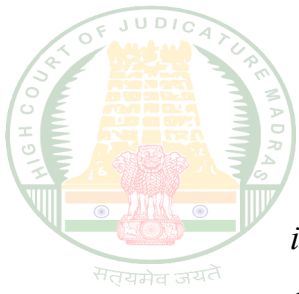
CrI.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

WEB COPY

condition that is contained in clause 6 is that it shall not be sold or otherwise alienated before the period of 20 years. Therefore, now reading the condition no.9 along with condition no.6, it can be seen that the assignees should personally cultivate the lands atleast for a minimum for a period of 20 years. Thereafter, they are eligible for alienating the said lands. Then the third condition that is also contained in clause no.6 is that, if the assignee is a person belonging to the Scheduled Caste or Scheduled Tribe, the said lands cannot be alienated or otherwise given to any person, who is not member of Scheduled Caste or Scheduled Tribe. According to the learned Counsel for the petitioner, their purchases were after the period of 20 years and is not in violation of any other condition also.

8. In that background, earlier when these matters were taken up, an interim order was granted directing the Revenue Divisional Officer to enquire into the matter and place a report on the file of this Court. The said order that was passed on 15.07.2022 is extracted hereunder for ready reference:

"The learned Counsel for the petitioners submitted that the petitioners in W.P.Nos.1518 and 1519 of 2017 are the cultivating tenants in respect of the lands belonging to V.K.M.Kanniyammal to an extent of 4.50 acres in S.No.1081 of Ikkarai Solluvampatti Village, Coimbatore Taluk, which land was subject matter of the Tamil Nadu Land Reforms (Fixation of Ceiling) Act, and they were



WEB COPY



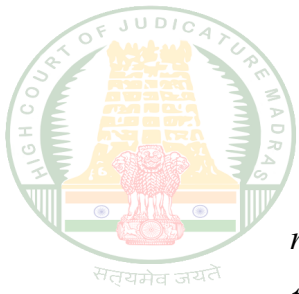
Crl.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

issued with patta in the year 2013. The petitioner in W.P.No.43167 of 2016, after having purchased the lands in S.Nos.1081/1C2P and 1081/1C20, has been doing agricultural work regularly. Similarly, the petitioner in Crl.R.C.No.3 of 2017 is having cultivating lands at Ikkarai Boluvampatti Village. While so, the Executive Magistrate-cum-Tahsildar, Perur Taluk Office, Coimbatore, without issuing any notice and conducting enquiry, passed the order dated 29.11.2016, injunctiong the petitioners from doing any agricultural or other works and directing them to maintain status quo. Therefore, the petitioners are before this Court with these petitions.

2.On the other hand, the learned Additional Government Pleader appearing for the respondents submitted that agitation was concluded by the local people, claiming that the subject land is Government poromboke land and it should be assigned only to the tribal people, which gave rise to law and order problem. The learned Counsel further submitted that in order to maintain peace and tranquility in the locality, the respondent authorities passed the order impugned herein and directed the petitioners to appear along with the necessary documents pertaining to the subject land for enquiry. However, the said direction has not been complied with by the petitioners.

3.In reply, the learned Counsel for the petitioners submitted that the petitioners are always ready and willing to co-operate with the respondent authorities for early completion of enquiry.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel appearing for the parties, this court, in order to give quietus to the issue involved herein, directs the respondent authorities to complete the enquiry with regard to the subject matter in issue and file a



Ctrl.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

report, so as to enable this Court to pass appropriate orders in these cases.

Post the matters after three weeks."

9. Thereafter, when the matters came up for further hearing, noticing that the said order remained un-complied, by an order dated 09.04.2024, this Court issued a direction to the District Revenue Officer to proceed with the enquiry at the earliest and submit his report. After the span of twenty years, patta has also been granted and it is stated file relating to the grant of patta could not be traced. However, the original file whereby these lands are assigned are traced out now and produced before this Court. The report dated 03.06.2025, states that the concerned persons were enquired and also further states as to the persons who are in possession of the property. It also further states that the land shall be used only for agricultural purpose and failing which the competent authority shall resume the lands and restore it in the name of the Government. All these petitioners submit that they have been using the lands only for cultivation. With reference to the argument that are made by the impleading parties, I do not see that any special right created in favour of them. If the impleading parties or any other person claim that they are only the most eligible persons and if they had made applications at the time when the Government allotted and if it is wrongly not considered or the



allotment is arbitrarily made, nothing prevented them from questioning thereafter.

10. Mr. Purushothaman, would submit that it was questioned by third parties. However, after recording, the same, the Division Bench ultimately disposed of the writ petition. Therefore, the original allotment that was made is not questioned by any person who is aggrieved by the same.

11. I also do not find any right to them as cultivating tenants. The land originally belonged to one V.K. Muthusamy. These persons were not even recorded under the statute as cultivating tenants. They don't claim possession of the property. Their only claim seems to be that at the time of allotment in the year 1992, the same was arbitrarily made. It was open to them to question the same in the manner known to law.

12. But as far as the violation of conditions is concerned, as narrated above, there are only three conditions and even as on today, if any of the assignees have violated the condition and the sale is made prior to 20 years or Scheduled Caste person or a Scheduled Tribe person has sold it to a non-Scheduled Caste or non-Scheduled Tribe person, then it will always be open



CrI.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

for the competent authority to look into the same and if they find that any condition is violated, they shall issue show cause notice to the concerned alienee and also the subsequent purchaser and they will be entitled to put forth their case and thereafter, by considering their version, final orders can be passed in accordance with law. However, the impugned order granting a blanket order of status quo with abstract reasoning that some enquiry is pending, cannot be sustained.

13. In view thereof, all this criminal revision case and the writ petitions are disposed of on the following terms:

(i) The impugned order of the Tahsildar, Perur dated 29.11.2016, bearing No.Na.Ka.9328/2016/A3 is quashed.

(ii) It would be open for the District Revenue Officer or any other competent authority to go through the entire file relating to the assignment and the subsequent alienation and if in any case, they find that subsequent alienations is in violation of condition, or if any other condition is violated, it will be open for them to issue show cause notice in the manner known to law to the original alienee as well as to the person who is presently in possession



CrI.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

and hear them and pass final orders relating to the cancellation of assignment or confirming the assignment and the subsequent alienation, as the case may be.

(iii) The said exercise shall be undertaken within a period of six weeks from the date of uploading of the web copy of this order without waiting the receipt of certified copy, within which period, the competent authority shall apply their mind and come to the prima facie conclusion of violation of condition, if any, and show cause notices shall be issued within that period, even though the proceedings may continue beyond that period.

(iv) If no such proceedings are initiated within a period of six weeks, then the matter should be treated as concluded and thereafter the possession and enjoyment of the petitioners shall not be interfered. If the Authority proceed to issue any show cause notice, then thereafter, within a period of four months, the entire proceedings should be completed.

(v) No costs. Consequently, connected miscellaneous petitions are closed.

22.07.2025
2/2



CrI.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

Neutral Citation: Yes
veda

WEB COPY

To

1. The Executive Magistrate cum Tahsildhar,
Perur Taluk Office,
Perur, Coimbatore – 641 010.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Coimbatore (South),
Coimbatore – 641 018.
3. The District Revenue Officer,
Office of the Collectorate,
Coimbatore District – 641 018.
4. The District Collector,
Office of the Collectorate,
Coimbatore District – 641 018.
5. The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore District.
6. The Inspector of Police,
Alandurai Police Station,
Alandurai,
Coimbatore – 641 101.

D.BHARATHA CHAKRAVARTHY, J.

veda



WEB COPY



Crl.R.C.No. 3 of 2017, W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

Crl.R.C.No. 3 of 2017
and
W.P.Nos. 43167 of 2016, 1518 & 1519 of 2017

22.07.2025

2/2