



WEB COPY

W.A.No.15 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No.15 of 2022

and

C.M.P.Nos.230 & 234 of 2022

The Saidapet Depressed Classes

Cooperative House Site Society Limited,
Rep. by its President, 74, West Jones Road,
West Saidapet, Chennai – 600 015.

... Appellant(s)

Vs.

1. The Commissioner,
Urban Land Ceiling and Urban Land Tax Office,
Government of Tamil Nadu,
Chepauk, Chennai – 600 005.

2. The Deputy Secretary,
Revenue Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.

... Respondent(s)

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 08.10.2021 passed in W.P.No.34017 of 2013.

For Appellant(s) : Mr.N.Kumar Rajan



For Respondent(s)

: Mr.Vadivelu Deenadayalan

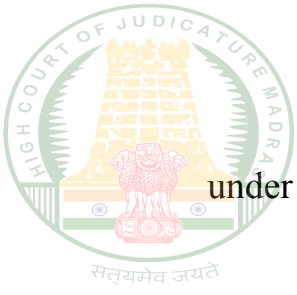
J U D G M E N T

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

The writ petitioner is the appellant. Under assail is the writ order dated 08.10.2021 in W.P.No.34017 of 2013.

2. The appellant/ writ petitioner is the Saidapet Depressed Class Co-operative Housesite Society Ltd., which is a Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. The subject land was declared as surplus under the Urban Land Ceiling Act by the Government and necessary notification was issued. Thereafter, the land absolutely vests with the Government. The grievance of the appellant is that the said land ought to have been allotted to the appellant/ Co-operative Society for the benefit of its members who belonged to Depressed class. The application submitted by the society, since rejected, vide order dated 24.09.2013, the writ petition came to be instituted. The reason stated in the order dated 24.09.2013 reveals that no preference was given in the Government order in respect of the land declared as surplus under the Urban Land Ceiling Act. Since no preference has been given



under the Government scheme, the claim of the appellant was rejected.

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3. The learned counsel for the appellant would submit that the Special Commissioner (Land Reforms), Chennai, vide order dated 29.12.1994, recommended the case of the appellant for assigning the land in favour of the appellant/ co-operative Society. Even the said recommendation was not acted upon, which resulted in filing of the writ petition. Further, it is contended that the subject land measuring 2,567 square meters is under continuous possession and enjoyment of Co-operative Society for several years.

4. This court is of the considered view that the subject land admittedly vest with the Government absolutely after the issuance of notification under the Urban Land Ceiling Act. Assignment/ allotment of the Government land is an administrative decision to be taken by the Government under the scheme which is in force. Eligibility criteria are to be fixed in the context of the Revenue Standing Orders or any other Rules, which is in force. However, this Court, in exercise of the powers of judicial review under Article 226 of the Constitution of India, cannot issue a direction for



allotment or assignment of the land unless any allotment is made in violation of the provisions of the Act or Rules in force.

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5. Whenever a welfare scheme is notified, the competent authorities have to ascertain the eligibility of a person seeking assignment/ allotment of Government land and, accordingly, an administrative decision is to be taken by the competent authorities. Allotment/ assignment of land at free of cost is a prerogative of the Government and would not fall under the realm of the powers of the judicial review of the High Court.

6. In the present case, the appellant is a co-operative society. No doubt, the members of the appellant society belongs to Depressed class. Several schemes are being introduced and implemented by the Government for the benefit and welfare of the Depressed class persons. Therefore, the members, either through society or in their individual capacity is at liberty to submit an application seeking assignment of land under any one of the Government welfare schemes or for grant of free house site patta, if they are bound to be eligible landless poor person. However, the scheme is to be implemented scrupulously in terms of the Government orders, if any, in



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7. In the present case, this court is of the considered view that though the observations made by the writ court is unnecessary, the decision taken is in consonance with the established principles and thus, the writ order impugned stands confirmed and the writ appeal stands dismissed. No costs.

(S.M.S.,J.) (C.S.N.,J.)
08.09.2025

skr
Index : Yes
Speaking order

To

1. The Commissioner,
Urban Land Ceiling and Urban Land Tax Office,
Government of Tamil Nadu,
Chepauk, Chennai – 600 005.
2. The Deputy Secretary,
Revenue Department,
Government of Tamil Nadu,



Secretariat, Chennai – 600 009.

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S.M.SUBRAMANIAM, J.
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