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W.A.(MD)NO.1636 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.1636 of 2024 AND

C.M.P.(MD)No.12768 of 2024

1. The Principal Secretary,
Commissioner of Land Administration(FAC),
Chepauk, Chennai – 600 008.

2. The District Collector,
Karur District, Karur.

3. The District Revenue Officer,
Karur District, Karur.

4. The Revenue Divisional Officer,
Karur.

5. The Tahsildar,
Karur.

... Appellants / Respondents 1 to 5
Vs.

1. S.Sethukumar

2. S.Manjula

3. K.Thangaraj

... Respondents 1 & 2 /Writ petitioners

... 3rd Respondent / 6th Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to
set aside the order passed by this Court in W.P.(MD)No.14532 of
2021 dated 13.12.2023 and by allowing this appeal.



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For Appellants : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by,
Mr.N.Ramesh Arumugam,
Government Advocate.

For R-3 : Mr.A.S.Abul Kalaam Azad,
for M/s.Spicy Law Firm.

For R-1 & R-2 : Mr.V.Kannan

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J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

The department is on appeal challenging the order dated 13.12.2023 passed by the learned single Judge allowing W.P.(MD) No.14532 of 2021 filed by the respondents herein.

2. The writ petitioners are permanent residents of Periyaandan Kovil West Village, Manmangalam Taluk, Karur. They are owning 21 acres of land in the said village. They appear to have applied to the District Revenue Officer, Karur for assignment of 60 ares of land in survey Nos.238 and 239. According to the writ petitioners, those lands are without any access as they are bounded by their lands on all sides. The Tahsildar, Karur recommended granting assignment



vide report dated 10.10.2002. The Revenue Divisional Officer, Karur endorsed the said recommendation on 12.10.2002. The District Revenue Officer, Karur assigned the lands in question on 17.10.2002 on payment of cost of Rs.45, 545/-. When another villager came to know of the same, he raised objections. He claimed that he is cultivating the lands in question and he wanted assignment for himself. Thereupon, the said villager by name Thangaraj had filed an appeal before the Commissioner of Land Administration in January 2019. The Commissioner of Land Administration, Chepauk, Chennai vide order dated 11.05.2021 cancelled the assignment order passed by the District Revenue Officer in favour of the writ petitioners herein. Challenging the same, W.P.(MD)No.14532 of 2021 came to be filed. The learned single Judge took note of the fact that the cancellation order rests on two grounds:-

a) The double land cost ought to have been collected from the writ petitioners.

b) The petitioners cannot be called as landless poor.

According to the learned single Judge, both the grounds are unsustainable. Paragraph Nos.10 and 11 of the order of the learned single Judge read as follows:-



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“ 10. Insofar as the first ground is concerned, in the assignment orders dated 17.10.2002, there is absolutely no indication that the petitioners will have to pay double the land cost. It is not known as to where the first respondent found such condition. The first respondent has mentioned this ground without tracing any Rule or Regulations in this regard. In any case, this was not the condition imposed on the petitioners when the assignments were made in their favour through proceedings dated 17.10.2002. Hence, the first ground that was put against the petitioners is unsustainable.

11. Insofar as the second ground that was put against the petitioners to the effect that they are already owning other lands is concerned, the same is also unsustainable. This is a case, where some pockets of the Government land were locked within the other lands belonging to the petitioners. Therefore, these lands were not able to be used. Hence, the petitioners made an application and the same was considered by third respondent based on the report submitted by the fourth and fifth respondents and assignments were made by directing the petitioners to pay the market value. Therefore, the original assignments were not made on the ground that the petitioners were landless



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poor, whereas it was made only on the ground that a portion of land belonging to the Government was not able to be utilized and therefore, it was thought fit to assign the lands to the petitioners for market value. When that was the ground, on which the subject lands were assigned in favour of the petitioners, it is not known as to why the first respondent came to the conclusion that these lands ought to have been assigned in favour of landless poor people. In view of the same, the second ground that was put against the petitioners is also interfered with by this Court. ”

In that view of the matter, the writ petition came to be allowed.

Aggrieved by the same, the department has filed this writ appeal.

3. The learned Additional Advocate General reiterated all the contentions set out in the affidavit filed in support of the writ appeal and called upon this Court to set aside the order passed by the learned single Judge and restore the order passed by the Commissioner of Land Administration.



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4. Per contra, the learned counsel appearing for the writ petitioners submitted that the order of the learned single Judge is sound and well reasoned. He pointed out that Thangaraj, rival claimant did not file the revision immediately. The revision was filed before the Commissioner of Land Administration after a lapse of several years and he pointed out that the assigned lands have been put to cultivation by the writ petitioners' family for generations and that no third party can access the same without permission of the writ petitioners herein. Taking into these aspects, the District Revenue Officer had passed the order of assignment. He would add that as per the Revenue Standing Orders, the District Revenue Officer can very well assign such lands. He pointed out that the writ petitioners have not made any false claim. They never projected themselves as landless poor. They admit that they are now in possession and have title over 21 acres of land. They had only wanted the subject lands on payment of cost. The District Revenue Officer levied only market value and therefore, the order of the learned single Judge has to be sustained.



5. We carefully considered the rival contentions and went through the materials on record.

6. The order of the learned single Judge has to be set aside on a short ground. The writ petitioners do not have any legal right as such to take a Government land even on payment of market value or land cost. The Government land can be alienated or assigned only for sound reasons and in public interest. The Commissioner of Land Administration in his order has made it clear that there was no justification or warrant for conveying the land in question in favour of the writ petitioners. We also observe that these lands can be required for public purpose in future.

7. Further, the District Revenue Officer has not given any public notification inviting objections before making the assignment. The writ petitioners had got the land on assignment for the asking. The procedure for assignment as laid down in the Revenue Standing Orders has not been followed. The order of the District Revenue Officer, Karur is arbitrary and the Commissioner of Land Administration rightly set aside the same.



WEB COPY 8. It is true that the cancellation order was not passed immediately. But we note that almost right from the inception, objections had been raised. A writ petition was filed in 2008. A suit had also been instituted. In any event, the writ petitioner cannot complain as they have been not put to any prejudice. Looked at from any angle, the order passed by the learned single Judge cannot be sustained and the same is set aside. This writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
1st July 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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