



W.A(MD) Nos.2615 & 2616 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) Nos.2615 & 2616 of 2024
and
C.M.P.(MD)Nos.18221 & 18223 of 2024**

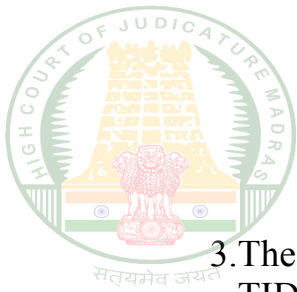
N.Mathanbabu ... Appellant / Writ Petitioner
in W.A.(MD)No.2615 of 2024

R.Kalidhass ... Appellant / Petitioner
in W.A.(MD)No.2616 of 2024

Vs.

**1.The Commissioner of Milk Production
and Diary Development Department,
Mathavaram Milk Colony,
Chennai-600 051.**

**2.The Chairman,
Representing by the board cum competent authority,
TID 483, Theni District Co-operative
Milk Producers Union Limited,
Natesh Apartments,
Amman Nagar,
Palanichettipatti,
Theni District.**



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3.The General Manager,
TID 483, Theni District Co-operative Milk
Producers Union Limited,
Natesh Apartments, Amman Nagar,
Palanichettipatti,
Theni District.

4.The Deputy Registrar (Dairying)
Dairy Development Department,
Aavin Complex,
Sathamangalam,
Madurai-625 020.

... Respondents / Respondents
in both Writ Appeals

COMMON PRAYER: Writ Appeal filed under Clause 15 of Letters
Patent, praying this Court to set aside the order dated 16.02.2024 passed
in W.P.(MD)Nos.10156 & 10179 of 2023.

For Appellant : Mrs.A.Banumathy

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate
for R1 & R4

: Mr.J.Devasenan
(in both Writ Appeals) for R2 & R3

COMMON JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.



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2. The appellants herein were appointed as Extension Officer Grade-II in the third respondent union on 30.01.2021. The appointment orders were subsequently cancelled by the first respondent on 30.12.2022. Consequently, they were also relieved on 06.01.2023. Challenging the cancellation and relieving orders, the appellant filed W.P.(MD)No.10156 of 2023 and 10179 of 2023. The learned single Judge vide order dated 16.02.2024 dismissed both the writ petitions. Aggrieved by the same, these appeals have been filed.

3. The learned counsel for the appellants contended that the appellants had been granted certificate by the jurisdictional Tahsildar certifying that they had come under the land loser category in terms of G.O.Ms.No.656, Labour and Employment Department, dated 29.06.1978. Therefore, the learned single Judge ought not to have dismissed these writ petitions.

4. The only question that arises in these two cases is whether the appellants were entitled to be considered under the priority category of



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land loser. The learned single Judge had noted that G.O.Ms.No.656, Labour and Employment Department, dated 29.06.1978 will apply only to those cases where the land was acquired by the Government. In these two cases, the appellants' ancestors had voluntarily donated the land for some public purpose. Therefore, they cannot be called as land losers. The terms of G.O are very clear. Only if the lands had been acquired, the Tahsildar would be entitled to issue land loser certificate. There is yet another consideration. On account of such acquisition, the livelihood of the acquired individuals should have been affected. From the fact that the appellants' ancestors made a voluntary donation, one can easily conclude that the acquired land was not a source of major sustenance. In these circumstances, we have to necessarily hold that the certificate issued by the jurisdictional Tahsildar cannot be said to be valid. The validity of the certificates can also be assailed in collateral proceedings. The learned Judge rightly held that the appellants would not come under the priority category. Interference with the order of the learned single Judge is not warranted.



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5. The writ appeals are dismissed. No costs. Consequently, connected miscellaneous petition are closed.

(G.R.S., J.) (K.R.S., J.)
14.07.2025

rmi

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

rmi

To

1.The Commissioner of Milk Production
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