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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WA No. 2801 of 2023

Kalaichelvi

..Appellant(s)

Vs

1. The District Collector
Erode District.
2. The District Revenue Officer
Erode District.
3. The Revenue Divisional Officer
Erode.
4. The Thasildhar
Erode Taluk, Erode District.
5. The Block Development Officer
Modakurichi, Panchayat Union, Erode.
6. Punchai Kala Mangalam Panchayat
Rep by its President, Modakurichi, Panchayat
Union, Erode.

..Respondent(s)



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To set aside the order dated 23-02-2022 made in WP.No.28527/2012 and allow the Writ Appeal and thus render justice.

For Appellant(s):

Mr.V.K.Kavin For Mr.M.Premkumar

For Respondent(s):

Mr.T.Arun Kumar,

Additional Government Pleader For Rr1 To 4.

Mr.D.Gopal

Government Advocate For R5

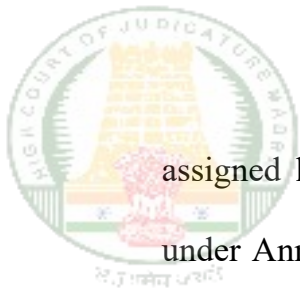
JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 23.02.2022 in WP.No.28527 of 2012.

2. Writ petitioner is the appellant before this Court.

3. Uncontroverted facts between the parties would show that husband of the appellant was an ex-service man and died on 23.09.1995. Petitioner applied for assignment of Tharisu Land in S.No.531/9 of Punjai Kala Mangalam Village, Erode Taluk. Land measuring 1.18 acres was assigned in favour of appellant on 25.05.2005 by the Revenue Department. Admittedly, appellant left the Village by stating that she went for taking medical treatment. For about six years, she was not in the village, nor the assigned land was under cultivation. During the said period, Village Panchayat passed a resolution by majority and used the assigned land for digging a pond to cater the needs of the people residing in the village. There was no objection from the appellant assignee for about 6 years. In the year 2011, appellant submitted a representation stating that assigned land was converted as a pond. Therefore, made a request to assign an alternate land. Tahsildar, Erode given a reply stating that the



assigned land was not cultivated by the appellant for many years and the villagers under Anna Marumalarchi Scheme dug a pond in the said land for the benefit of the people of that village. Further, Tahsildar, Erode stated that there is no Government land available for assignment. The said reply dated 27.05.2011 came to be challenged in the writ petition.

3. Appellant would mainly contend that assignment order was not cancelled by following the procedures as contemplated. That apart, assigned land was wrongfully utilised for digging up a pond by panchayat. Therefore, she is entitled for an alternate assignment as per her request.

4. Learned Additional Government Pleader would oppose by stating that, it is an assignment granted on condition that the assignee should cultivate the land. Admittedly, appellant left the village and residing away from the village. After a lapse of six years, an application was filed seeking alternate land. When the assigned land was not cultivated and conditions of assignment are violated, appellant has no right to claim alternate land. He would further submit that not passing any cancellation order would not confer any right on the appellant to claim an alternate assignment.

5. This Court has considered the arguments as advanced between the parties to the lis on hand.

6. No doubt, assignment granted must be cancelled by following the procedures contemplated under the Revenue Standing Orders. In the present case, no such



cancellation order has been passed. Thus, Revenue Authorities have committed a mistake. However, land was not taken over by the Revenue authority, but the

Panchayat Union by majority passed a resolution and utilized the uncultivated land by digging as a pond. Villagers utilised the assigned land by converting it as a pond for the benefit of the people of that village. It has not been utilised by an individual person, but for the common benefit of the people residing in that village. Assignment granted in favour of the appellant was for the benefit of the appellant as an individual, but admittedly, she has not utilised the land for the purpose for which it was assigned by the Government. Land was not put under cultivation for several years, and villagers have taken a decision through panchayat and converted the land as a pond to store water and to cater the needs of the people of that village. Question arises, not passing an order of cancellation would entitle the appellant to secure an alternate assignment. Adopting a balanced view and taking a pragmatic approach, this Court is of the view that land belongs to the Government. Assignment was granted only for the purpose of cultivation. Appellant is the wife of an ex-service man and receiving a family pension. She has not utilised the land for cultivation. Nor she raised any objection, when the land was utilised by the panchayat for digging a pond. When the appellant remained silent for more than six years, and suddenly woke up and filed an application seeking an alternate assignment of land, would not confer any absolute right to secure such an assignment of alternate land. Appellant, who slept over her right cannot wake up one fine morning and knock



the doors of the authority. In the present case, Government assigned land on condition. Admittedly, the condition was violated. Assignee, who violated the condition cannot take a technical ground that no cancellation order was passed. Even in such circumstances, if the matter is remanded back, Revenue Authorities would have no option, but to pass an order of cancellation and utilise the land for public purposes. However, in the present case, land has been utilised for public purposes by the Panchayat Union by digging a pond.

7. That being the factum, no useful purpose would be served to consider the said technical ground for the purpose of resuming the assignment, which cannot be otherwise sustained in view of the violation committed by the assignee for several years.

8. In view of the above factum, this Court does not find any infirmity in respect of the writ order dismissing the claim of the appellant. Accordingly, order dated 23.02.2022 made in WP.No.28527 of 2012 is confirmed, and writ appeal stands dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed

(S.M.S.,J.) (C.K.,J.)
29-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GD



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**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

GD

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