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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WA No. 1861 of 2022 and WA No. 1865 of 2022

1. Santhosh kumar
S/o.Perumalsamy,No.271, Pollachi Road,
Palladam Town, Pollachi Taluk, Coimbatore
District.
2. Soundararajan,
S/o.Mani, Door No.200, Mariamman Koil
Street, Pazhaiyur, Pappanaickenpalayam,
Coimbatore -37

..Appellant(s)

Vs

1. The Director of Land Reforms, Chepauk,
Chennai 5.Chennai
2. The Revenue Divisional OfficerCoimbatore
South, Coimbatore.
3. The Thasildar,Sulur Taluk, Coimbatore District.
4. The Secretary to the Government,Revenue
and Disaster Management Department,Land
Reforms Wing, L.R.2(2) Section, St.George
Fort, Chennai 600 009
5. Mr.Rasiappan,S/
o.Mr.Palazhaniandi,Appanaickanpatti Village,
Sulur Taluk, Coimbatore District.
6. Mr.Komaran,S/o.Mr.Raman,Appanaickanpatti
Village, Sulur Taluk, Coimbatore District.
7. Mr.Pazhani,S/o.Ammavasai,Appanaickanpatti
Village, Sulur Taluk, Coimbatore District.
8. Mr.Kittan,S/o.Mr.Rangan,Appanaickanpatti
Village, Sulur Taluk, Coimbatore District.
9. Tmt. PappalW/o.Sundaram Appanaickanpatti
Village, Sulur Tk, Coimbatore Dist.

..Respondent(s)

WA No. 1865 of 2022

1. Santhosh kumarS/o.Perumalsamy,No.271,
Pollachi Road, Palladam Town, Pollachi



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Taluk, Coimbatore District. Coimbatore
2. Soundararajan, S/o. Mani, Door No. 200,
Mariamman Koil Street, Pazhaiyaur,
Pappanaickenpalayam, Coimbatore -37

..Appellant(s)

Vs

1. The Land Commissioner, Chepauk,
Chennai-600 005. Chennai
2. The Assistant Commissioner (Land Reforms)
Erode Jeevan Bhagvan Building, Gandhiji
Road, Erode
3. The Thasildar, Sulur Taluk, Coimbatore District.
4. The Secretary to the Government Revenue and
Disaster Management Department, Land
Reforms Wing, L.R.2(2) Section, St. George
Fort, Chennai 600 009

..Respondent(s)

WA No. 1861 of 2022

To set aside the order passed in WP.No. 32684 of 2018 vide Dt.
05.07.2022 to allow the same and thus render justice.

WA No. 1865 of 2022

To set aside the order passed in WP No.9633/2018 vide dt.
05.07.2022 to allow the same

WA Nos. 1861 & 1865 of 2022

For Appellant(s):	Mr.V. Manohar
For Respondent(s):	Mr.T.Arun Kumar, AGP for R1 to R4. R5 to R7 - Died Steps Due. Mr.J.Jayamalan for R8 & R9.

COMMON JUDGMENT

(Judgment of the Court was delivered by C.Kumarappan J.)

The present writ appeals are filed assailing the common order of the
learned single Judge dated 05.07.2022 passed in W.P.Nos.9633 and 32684 of



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2. In these writ petitions, the petitioners have challenged the order of the Government passed in G.O.Ms.No.73 dated 20.02.2018 issued by the Secretary to Government, Revenue and Disaster Management Department against the order of the Tahsildar/3rd respondent, granting assignment in the name of respondents 5 to 9. The Writ Court, after going into the submissions made on behalf of the petitioners/appellants herein has arrived at a conclusion that the assignment in favour of the petitioner was made, based upon the misrepresentation and false declaration in respect of the community of the petitioners, therefore, the cancellation of assignment and subsequent assignments in favour of respondents 5 to 9 are in order . Aggrieved by the same, the present Writ Appeals have been filed.

3. Learned counsel for the appellants would vehemently contend that the Land Commissioner, without considering the limitation provided under Section 11(3)(b) of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965, has cancelled the assignment, and that the Land Commissioner, without even considering any basic facts in respect of the possession of the land by the appellants and the proof in respect of the community of the appellants, has erroneously cancelled the assignment, based upon the false representation of some motivated third parties, which is contrary to law.

4. It is the specific contention of the learned counsel for the appellants



that any cancellation in exercise of suo motu power, that too, after a period of 5 years from the date of assignment, is contrary to the above provision and therefore, the confirmation of cancellation of assignment by the Government in G.O.Ms.No.73 dated 20.02.2018 is liable to be set aside.

5. Per contra, the said contention was totally objected by the learned Additional Government Pleader. He would contend that Provision 11(3)(b) of the said Rules contain two limbs. The first limb is when the Land Commissioner has come across any gross inequity in the assigning the land, he may have power to cancel the same within a period of 5 years. Whereas the second limb deals that, if he is satisfied that there has been a fraud, misrepresentation or that the assignee is not eligible for assignment or that the extent assigned together with other lands if any held by the assignee or the member of his family, other than the cooperative society, exceeds the limit specified in sub rule (2) of rule(5), he may exercise such power without any limit of time. Therefore, contended that the order of the Land Commissioner, though beyond the period of 5 years is well merited. He would further submit that the appellants are wealthy persons and their father have got so many industrial establishments and the appellants belong to forward community viz., Kammavar Naidu, whereas they have misrepresented before the authority by referring their community as Vadukar which is ST and obtained such an assignment. Therefore, the order passed by the Government is well merited and sustainable. Hence, prays to dismiss the present writ appeals.



6. We have given our anxious consideration to the submissions made on either side.

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7. While considering the submissions made by the learned counsel for the appellants, with respect to limitation, as rightly contended by the learned Additional Government Pleader, Section 11(3)(b) of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965, contain two limbs to calculate limitation. First limb deals about gross inequitable assignment, and if the Land Commissioner comes to a conclusion in respect of gross inequity in assignment, he may have suo motu revisional power and such revisional power has to be exercised within a period of 5 years. Whereas if any assignment was made based upon fraud or misrepresentation, he may exercise such power without any limit of time.

8. In the present case, the main contention of the Government is that there was misrepresentation and fraud played by the appellants. In respect of the misrepresentation and fraud, the Government is very much relying upon the social status and wealthiness of the appellants' father, as he the industrial establishments. At this juncture, it is pertinent to refer that under Rule 5 (iv), the same defines eligibility for assignment of surplus land and the maximum extent to be assigned. Where it has been clearly mentioned that the landless agricultural labourer belonging to Schedule Caste or Schedule Tribe who contributed his own physical labour or that of any member of his family in the



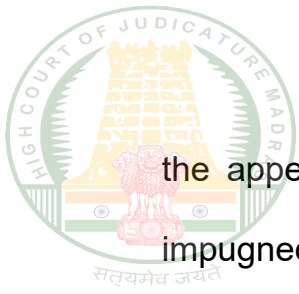
cultivation of the land alone is eligible. It is relevant to refer Rule 2(d) of the said Rules which defines 'Landless agricultural labourer' which reads as

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"Landless agricultural labourer" means a landless person, whose principal means of livelihood is the income he gets as wages for his manual labour on agricultural land.

9. Therefore, the conjoint reading of Rules 2(d) and 5(iv) would mandatorily makes it clear that the livelihood of the appellants ought to have been through the agricultural labourer, whereas even according to the admission made by the learned counsel for the appellants, the appellants' father was not an agriculturist but an industrialist. Therefore, the question of the appellant getting his income from his manual labour on agricultural land is not at all in existence. Therefore, they cannot come within the definition of the landless agricultural labourer as defined in 2(d) and 5(iv) of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965.

10. Further, according to Rule 5, to get assignment, they ought to be Schedule Caste or Scheduled Tribe, whereas the appellant herein, by misrepresentation to the authority as they belongs to Vadukar community(ST Community) got such assignment. However, it was later found by the authority that they belong to forward community viz., Kammavar. Therefore, by exercising power of suo motu revision, as there is apparent fraud and misrepresentation, , the land commissioner has cancelled the assignment and



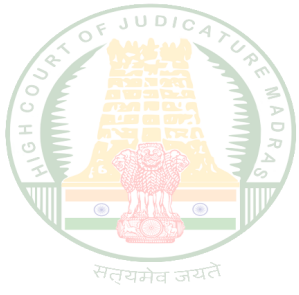
the appeal before the Government were also subsequently cancelled, vide impugned G.O.Ms.No.73 dated 20.02.2018. The learned Single Judge, after considering all these aspects had arrived at a conclusion that the cancellation of assignment is in accordance with law. We absolutely do not find any grounds from the submission of the learned counsel for the appellants to deviate from the well merited findings of the learned Single Judge. Hence, the Writ Appeals stand dismissed. No costs.

(S.M.S.,J.) (C.K.,J.)
21-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI
To

1. The DirectorDirector of Land Reforms, Chepauk, Chennai 5.Chennai
2. The Revenue Divisional OfficerCoimbatore South, Coimbatore.
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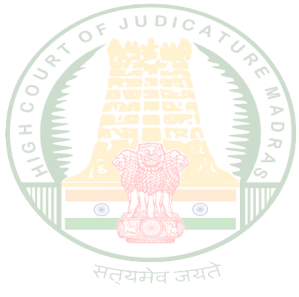


**S.M.SUBRAMANIAM J.
AND
C.KUMARAPPAN J.**

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