

(1960) 02 MAD CK 0005
In the Madras High Court

Perumal Konar and Others

APPELLANT

Vs

Ponnan and Others

RESPONDENT

Date of Decision : 11-02-1960

Acts Referred:

Citation : (1960) 2 MLJ 473

Hon'ble Judges : Ramaswami, J

Bench : Single Bench

Judgement

Ramaswami, J.—The respondents are landless poor Harijans of Mangulam in Vridhachalam Taluk. In the first quarter of 1958 they were

assigned waste Government lands under the Board's Standing Orders in R.S. Nos. 114/1, 54/4, 115/1, 21/12-B, 54/2, 54/3, 50/1, 54/1, 50/2,

iii/i, 36/16, 189/1, 189/2 and 50/4 of Mangulam villages. It would appear that the caste ryots of the village who were interested in these waste

lands objected to the assignment and therefore sought to disturb the possession of the assignees.

2. I need not point out that waste lands are always at the disposal of the Government. Rules for assignment are twofold. If the waste lands are

being reserved for assignment to certain categories of people like Harijans or Tyagls or ex-military men, the right of the State to assign them to

them cannot be disputed. But if in the case of unreserved waste lands competition for assignment is between two sets of unprivileged persons, the

Board's Standing Orders make provision for preference being given to persons who have been cultivating the lands or owners of adjoining land,

etc.

3. Therefore, in this case, the State was at perfect liberty to assign the land to

poor Harijans of Mangulam and therefore the respondents have got title to these disputed lands.

4. The more important point, however, for the 145 proceedings, is not adjudication of title but possession at the crucial time mentioned in the section itself. In this case the land has been lying fallow and it is a well-settled principle of law that in regard to waste land or fallow land where khas possession cannot be demonstrated possession will follow title.

5. Therefore, the learned First Class Magistrate was right in holding that these rights of Harijans to remain in possession should be protected unless and until evicted therefrom in due course of law and in forbidding disturbance of such possession until such eviction. The order of the First Class Magistrate is correct and this revision is dismissed.