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W.P. No.18709 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 05.09.2024

DELIVERED ON: 04.10.2024

CORAM:

**THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

**and**

**THE HON'BLE MR.JUSTICE P.B.BALAJI**

W.P.No. 18709 of 2024

and WMP.No.20521 of 2024

Sundaralingam

...Petitioner

Vs

1.The State of Tamilnadu,  
Rep. by its Principal Secretary to Government,  
Revenue and Disaster Management Department,  
Secretariat,  
Chennai – 600 009.

2.The District Collector,  
Ariyalur District,  
Ariyalur.

3.The Revenue Divisional Officer,  
Ariyalur,  
Ariyalur District.

4.The Tahsildar,  
Aandimadam Taluk,  
Ariyalur District.

..Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, for  
issuance of a Writ of Mandamus, forbearing the respondents from



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converting the Mandaiveli Vandi Pathai lands in S.No.35/5, total an extent of 0.64.0 hectares, Aandimadam, Aandimadal Taluk, Ariyalur District for construction of standard Rain Gauges or for any other purpose and consequently direct the respondents to consider objection dated 01.06.2024 to maintain the said land as Mandaiveli Vandi Pathai Land for the usage of villagers.

For Petitioner : Mr.M.R.Elavarasan

For Respondents

For RR1 to 4 : Mr.K.Karthik Jagannath  
Government Advocate

### **ORDER**

**(Order of the Court was made by MR.JUSTICE P.B.BALAJI, J.)**

This Writ Petition has been filed as a Public Interest Litigation, seeking issuance of a writ of mandamus to forebear the respondents from converting the Mandaiveli Vandi Padhai lands comprised in Survey No.38/5 measuring an extent of 0.64.0 hectares at Andimadam Village and Taluk, Ariyalur District for construction of standard Rain Gauges or for any other purposes and to consequently direct the respondents to consider the petitioner's objection dated 01.06.2024, requesting to maintain the said land as Mandaiveli Vandi Padhai.



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2.We have heard Mr.M.R.Elavarasan, learned counsel appearing for the petitioner and Mr.K.Karthik Jagannath, learned Government Advocate appearing for the respondents.

3.The grievance of the writ petitioner is that about more than 500 families are residing in Andimadam Village and Survey No.38/5 to an extent of 0.64.0 hectares has been classified as Mandaiveli Vandi Padhai which is used by the said villagers for public purposes, especially for cattle farming and allied activities and that being the position, the 4<sup>th</sup> respondent, namely the Tahsildar, Andimadam Taluk along with the Village Administrative Officer, have taken a decision to place standard Rain Gauges in the above said subject lands. According to the writ petitioner, the respondents have not followed the mandatory procedure, before locating the Rain Gauges in Survey No.38/5 and despite strong objections made by way of a representation dated 01.06.2024, the respondents are going ahead with the work. The learned counsel for the petitioner would therefore pray that the writ petition be allowed, especially in the interest of the entire locality.

4.Per contra, Mr.K.Karthik Jagannath, learned Government Advocate, appearing for the respondents would submit that the writ petition



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has been filed without ascertaining the true position. According to the learned counsel for the respondents, the lands measuring 64 acres comprised in Survey No.38/5 in Andimadam Village was originally classified as Government poramboke Mandhai and Vandipadhai. However, in the year 2018, the 2<sup>nd</sup> respondent, District Collector forwarded a proposal for transfer of land to an extent of 9.30 ares out of the said 64 ares in Survey No.38/5 coming under the administrative control of Animal Husbandry Department in favour of Revenue and Disaster Management Department for construction of Andimadam Tahsildar Quarters, alive to the situation that lands were classified as Mandhai and Vandi Padhai. The required procedures were duly followed and an equal extent of 9.30 ares of alternate land comprised in Survey No.80/1 which had been classified as Tharisu in Vilanthai (North) Village has also been offered in lieu of the proposed Mandhai and Vandi Padhai lands being transferred to the Revenue Department for the purposes of construction of Tahsildar quarters.

5.The learned Government Advocate would further submit that the Regional Joint Director of Animal Husbandry Department and the DRO, Ariyalur have personally inspected the alternate lands and duly certified the same to be capable of being developed / classified as Mandhaiveli. The local



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body, namely the Kavalapalayam Panchayat has also given its NOC vide resolution dated 30.06.2018 for grassing cattle, free of cost in the alternate land. Further, the requisitioning department, namely the Revenue Department has also deposited the development charges to the local body insofar as the alternate lands is concerned. The Director of Animal Husbandry and Veterinary Services has thereafter recommended to the Government for grant of NOC for transfer of 9.30 ares out of 64 ares in Survey No.38/5 and the Government also vide its G.O.MS.No.156, Animal Husbandry Department dated 10.11.2020 accorded a 'no objection' for such purpose.

6.The learned Government Advocate would further submit that proposals were also initiated for transfer of 9.30 ares out of 64 ares in favour of the Revenue Department and A1 notices were published and the general public was also intimated through the Village Administrative Officer.

7.It is the specific case of the respondent that no objections were received from any person and following the procedure contemplated in RSO No.23-A, the Commissioner of Land Administration favourably recommended to the Government to transfer the said 9.30 ares in Survey



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No.38/5 in favour of the Revenue Department. The Government vide G.O.(Ms).No.704, Revenue and Disaster Management Department dated 02.12.2020, also issued orders transferring the said 9.30 ares in Survey No.38/5 in favour of the Revenue Department. The District Collector, vide proceedings in Na Ka No.A1/8124/2017 dated 25.11.2020, has also accorded permission for construction of Tahsildar quarters in the said extent of 9.30 ares pending land transfer proceedings. It is also brought to our notice that the land has been re-classified from Government poramboke - Mandhai and Vandipadhai to Government poramboke - Tahsildar quarters, vide proceedings of the District Collector dated 22.06.2023 and the subject lands have been assigned a new sub-division number viz., Survey No.38/6. According to the learned counsel for the respondents, the construction of the Tahsildar quarters in the subject land 9.30 ares has also been completed and is under use already.

8.With regard to the setting up of Rain Gauges the learned counsel for the respondents would submit that the Government has decided to set up 1000 Rain Gauges at Firkha levels all over the State of Tamilnadu and had allocated Rs.25 crores towards setting up of Automatic Rain Gauges to achieve drought mitigation and effective disaster management. Insofar as



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setting up of the Rain Gauges in the subject lands, the learned counsel would bring to our notice that around the Tahsildar quarters there is a vacant space available in the land in New Survey No.38/6 (Old Survey No.38/5 part) and accordingly a Rain Gauge has already been set up in the said place, though it is yet to be put to use. In view of the above submissions the learned counsel for the respondents would submit that there is no merit in the writ petition and would seek for dismissal of the same.

9.We have paid our anxious and careful submissions to the arguments advanced by the learned counsel on either side.

10.Firstly, we do not find the petitioner's request by way of a Public Interest Litigation to be malafide. The petitioner has a genuine grievance for converting the Mandhai and Vandipadhai lands and re-classifying the same for any other purpose since the Mandhaiveli Vandipadhai has been used by the villagers for past several years. At the same time, when the respondents have followed all necessary steps as required under the relevant laws and have also provided alternate lands in respect of 9.30 ares and after having necessary orders passed alone, the lands have been re-classified as Government poramboke - Tahsildar quarters.



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We do not find any infirmity in the procedure adopted by the respondents.

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11.Further, when the respondents have gone through every step required under the law and have re-classified the Mandhaiveli Vandipadhai into Tahsildar quarters and also assigned a new subdivision Survey No.38/6 and only in such lands, the Rain Gauge has been set up, there can be no hardship caused to the petitioner or the other residents of the village.

12.Admittedly, even alternate land has also been offered and accepted and the same has also been found fit for raising cattle. In such circumstances, we are unable to entertain the writ petition seeking to forbear the respondents from converting Mandhaiveli Vandipadhai lands setting up Standard Rain Gauges or for any other purposes, especially since the petitioner has not disclosed the various Government orders and procedures underwent before re-classification of the portion of the subject lands in Survey No.38/5 as Government poramboke - Tahsildar quarters, in which alone the Rain Gauge has been put up. It is not the case of the writ petitioner that there has been any illegality in the approach adopted by the respondents.



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13. Therefore, for all the above reasons, though we find the Public Interest Litigation has been filed with bonafide intention, considering the merits of the allegations of the petitioner, we do not see any requirement for a writ of mandamus to be issued as prayed for.

14. For all the reasons discussed above, the writ petition stands dismissed. There shall be no order as to costs. Connected Writ Miscellaneous Petition is closed.

(D.K.K.J.) (P.B.B.J.)

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Index : Yes/No  
Speaking Order/Non Speaking Order  
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**D.KRISHNAKUMAR, J.**



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and  
**P.B.BALAJI, J.**

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To

- 1.The Principal Secretary,  
Revenue and Disaster Management Department,  
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Chennai – 600 009.
- 2.The District Collector,  
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Ariyalur.
- 3.The Revenue Divisional Officer,  
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**Pre-delivery Order in**  
**W.P. No.18709 of 2024**  
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**04.10.2024**