



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No. 81 of 2015
and MP.No.1 of 2015

G.Manohar Babu

.. Petitioner

Versus

1. The Collector
Kancheepuram, Kancheepuram Dt.

2. The District Revenue Officer
Collectorate, Kancheepuram,
Kancheepuram District

3. The Tahsildar,
Kancheepuram, Kancheepuram District

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to assign the lands in Survey No.222 measuring about 1.01.0 hectares out of 4.07.0 in 166, Kadambadi Village Thirukalikundram Taluk, Kancheepuram District as per the recommendation of the 3rd respondent vide Letter Na.Ka. 2210/97 A1 dated 14.8.1997 and that of the resolution by the Kadambadi Township dated 8.12.2010 in favour of the petitioner.

For Petitioner : Mr. V.Manohar

For Respondents: Mr. S.Gunasekaran
Government Advocate

ORDER

Heard Mr.V.Manohar, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents.

2. The petitioner seeks for issuance of a writ of mandamus to direct the respondent to consider and assign the lands in S.Nos. 222 measuring about 1.01.0 hectares out of 4.07.0 in 166, Kadambadi Village, Thirukalikundram Taluk, Kancheepuram, by taking into



consideration the recommendations of the third respondent as well as the resolution passed by Kadambadi Township dated 08.12.2010.

3. The petitioner would state that he is an Ex-serviceman and does not own any lands and he applied to the revenue Department for allotment of the land. The land was identified by the Tahsildar and recommended to the higher authorities for grant of assignment in favor of the petitioner. The Kadampadi Town Panchayat has also passed a resolution approving the recommendations of the Tahsildar to allot the land to the petitioner. The petitioner has also submitted Form A Declaration and it has been attested by the Revenue Inspector, Mamallapuram and the Village Administrative Officer Thirukalikundram. It is stated that the Village Administrative Officer, Thirukalikundram, called for objections from the local public and there was no objection. With these facts the petitioner has submitted a representation seeking for assignment.

4. The learned Government Advocate submitted that the land is a Government land and unless the Government decides to assign the property, the Revenue Department has no jurisdiction to entertain any request for assignment. Further it is stated that the land is required for public purpose for construction of bus stand and other public utility facilities.

5. In view of the above stand taken by the respondents, this Court is of the view that the petitioner should be informed about the decision with regard to the application since the Tahsildar has recommended the application and Town Panchayat also passed a resolution which is said to be in favour of the petitioner.

6. Accordingly, without going into the merits of the petitioner's contentions, there will be a direction to the second respondent to consider the petitioner's representation dated 12.11.2014 and pass orders on merits and in accordance with law informing the petitioner as regards the claim made by the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs. The connected MP.1/15 is closed.

Sd/-

Assistant Registrar

/ True copy /

Sub Assistant Registrar

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To

1. The Collector
Kancheepuram, Kancheepuram Dt.

2. The District Revenue Officer
Collectorate, Kancheepuram,
Kancheepuram District

3. The Tahsildar,
Kancheepuram,
Kancheepuram District

+1 cc to Government Pleader CC SR No.7913

+1 cc to M/S.V.MANO HAR, Advocate CC SR No.7643

WP.No.81 of 2015

SAI (CO)
JK 21/02/15